To: R1NewsClips[R1NewsClips@epa.gov]
From: Elliott, Rodney
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Subject: Daily NEWSCLIPS-Friday, March 20th, 2015 r1newsclips

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For sale: Aging coal-fired power plant along Merrimack River valued between $10-$80 million	03/19/2015	Concord Monitor Online	NH
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EPA REJECTS STATE PUSH TO DELAY ESPS IMPLEMENTATION PENDING LAWSUITS	03/19/2015	Inside EPA Weekly Report	VA
INDUSTRY URGES HIGH COURT TO REVIEW EPA 'EXTRATERRITORIAL POWER GRAB'	03/19/2015	Inside EPA Weekly Report	VA
NAS URGES EPA TO PREPARE FOR ASSESSING, REGULATING INDUSTRIAL BIOTECH	03/19/2015	Inside EPA Weekly Report	VA
INDUSTRY, ADVOCATES SPAR OVER QUALITY OF EPA'S SO2 DATA FOR MAJOR RULES	03/19/2015	Inside EPA Weekly Report	VA
EPA EYES BROADER USE OF GUIDE TO CUT EMISSIONS FROM EXISTING DRILL SITES	03/19/2015	Inside EPA Weekly Report	VA
EPA SENDS FINAL 'AFFIRMATIVE DEFENSE' AIR RULE TO WHITE HOUSE FOR REVIEW	03/19/2015	Inside EPA Weekly Report	VA
EPA PM2.5 SIP RULE SHOWS EFFECT OF RULING REQUIRING STRICTER AIR CONTROLS	03/19/2015	Inside EPA Weekly Report	VA
GOP LAWMAKER ARGUES EPA OZONE NAAQS SCIENCE JUSTIFIES 'REFORM' BILLS	03/19/2015	Inside EPA Weekly Report	VA
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EPA EYES SENATE TSCA REFORM BILL FIXES BUT QUESTIONS STATE PREEMPTION	03/19/2015	Inside EPA Weekly Report	VA
Our Federal Policy on the Use of Ethanol	03/19/2015	New York Times, The	NY
Obama's Order to Reduce Greenhouse Gas Emissions of Federal Government	03/19/2015	New York Times, The	NY
The surprising reason why some people	03/19/2015	Washington Post -	DC

become environmentalists -- and others don't		**Online, The**	
Scientists say Arctic sea ice just hit a disturbing new winter record	**03/19/2015**	**Washington Post - Online, The**	**DC**
Polluted skies over Paris push officials to take action	**03/19/2015**	**Washington Post - Online, The**	**DC**
Obama orders cut in greenhouse gases	**03/19/2015**	**Washington Post, The**	**DC**

Brownfields / Superfund / Other Cleanups (6)

Vermont House panel seeks $8 million for water cleanup	**03/20/2015**	**Advocate - Online, The**	**CT**
Vermont House panel seeks $8 million for water cleanup	**03/19/2015**	**Associated Press (AP)**	**NY**
Md. Senate set to vote on stormwater management bill	**03/19/2015**	**Associated Press (AP)**	**NY**
Cleanup plan for W.Va. chemical spill site to be outlined	**03/19/2015**	**Associated Press (AP)**	**NY**
DISTRICT COURT REVERSES FOX RIVER LIABILITY FOLLOWING 7TH CIRCUIT DECISION	**03/19/2015**	**Inside EPA Weekly Report**	**VA**
STATES BACK HOUSE COAL ASH BILL BUT DEMOCRATS SEEK STRICTER PROTECTIONS	**03/19/2015**	**Inside EPA Weekly Report**	**VA**

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EPA AGREES TO 2016 DEADLINE FOR DECISION ON RCRA CORROSIVITY STANDARD	**03/19/2015**	**Inside EPA Weekly Report**	**VA**

Climate Change (8)

US Interior Secretary to talk on flood resiliency, climate	**03/20/2015**	**Advocate - Online, The**	**CT**
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'Merchants' raises the doubt of climate change	**03/19/2015**	**Boston Globe - Online**	**MA**
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Obama Orders Cuts in Federal	**03/19/2015**	**New York Times -**	**NY**

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Obama sets emission cut goals for government	**03/19/2015**	**USA Today - Online**	**VA**
Reducing emissions President Obama ordered a cut in greenhouse gases, and data showed that Arctic sea ice hit a new low. A3	**03/19/2015**	**Washington Post, The**	**DC**
Secret Service video Much of the footage of a driving incident involving two agents at the White House ha			
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Texas Cracks Top 10 in Total Solar Capacity	**03/20/2015**	**Advocate - Online, The**	**CT**
DEEP commissioner: Cuts threaten Connecticut state parks	**03/20/2015**	**Middletown Press**	**CT**
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California drought: State OKs sweeping restrictions on water use		**Greenwich Time - Online**	
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EPA RESISTS GOP LAWMAKERS' CALLS TO RE-PROPOSE CWA JURISDICTION RULE	**03/19/2015**	**Inside EPA Weekly Report**	**VA**

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UN warns world could have 40 percent water shortfall by 2030	**03/19/2015**	**Associated Press (AP)**	**NY**
Environment chief: Less service at parks due to budget cuts	**03/19/2015**	**Associated Press (AP)**	**NY**
Obama orders agencies to cut greenhouse gas output by 40%	**03/19/2015**	**Boston Globe**	**MA**
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Calif. seeks $1b in drought-relief aid	**03/19/2015**	**Boston Globe**	**MA**
Raising the doubt of climate change	**03/19/2015**	**Boston Globe**	**MA**
Report: Children's health care at risk	**03/19/2015**	**Keene Sentinel - Online, The**	**NH**

News Headline: Obama orders 40 percent cut in government's greenhouse gases |

Outlet Full Name: Advocate - Online, The
News Text: ...President Barack Obama will order the federal government on Thursday to cut its emissions of greenhouse gases by 40 percent, as the U.S. seeks...

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News Headline: State looks to ramp up renewable energy |

Outlet Full Name: Advocate - Online, The
News Text: ...make it a solar-power bonanza. Still, Connecticut has untapped potential for renewable energy, officials say, and will need to continue recent...

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News Headline: Economic study says EPA regulations threaten Wyoming coal |

Outlet Full Name: Associated Press (AP)

News Text: CHEYENNE, Wyo. (AP) - A new economic study says pending federal regulations to limit carbon emissions from existing coal-fired power plants threaten to hit Wyoming's coal industry hard in coming years.

The Wyoming Infrastructure Authority on Thursday released a study prepared by the University of Wyoming that predicts the federal regulations could force a decline of up to 45 percent in Powder River Basin coal production by 2030.

Wyoming is the nation's leading coal-producing state. It's among several states pressing a federal lawsuit challenging the U.S. Environmental Protection Agency's proposal to require existing power plants to cut carbon emissions by 30 percent by 2030. The case is set for arguments next month in Washington, D.C.

Wyoming Gov. Matt Mead wrote to EPA Administrator Gina McCarthy in December saying that the EPA proposal would cut the demand for coal and drive up costs by requiring more electricity production from natural gas and other sources.

"Wyoming supplies 40 percent of the coal used in the United States - distributed to some 30 states annually," Mead wrote. "The mining industry employs - directly and indirectly - thousands of people in Wyoming."

The UW study says Wyoming would benefit from opening coal exports to Asia. Wyoming has been unsuccessful so far in efforts to access ports in the Northwest for coal exports. The prospect of trains hauling coal through Oregon or Washington to ports there has prompted stiff opposition from environmental groups and state regulators so far.

Mead this month signed into law a bill that gives the infrastructure authority the power to issue up to $1 billion in bonds to finance the construction of coal ports. Loyd Drain, executive director of the authority, said this week that the state is waiting for environmental review of proposed coal-port projects.

Drain said Thursday that he expects the EPA to issue its final rule regarding carbon limits on existing power plants this summer. The new economic study is the first of its kind to evaluate Wyoming's coal industry in over 20 years, he said.

"It's timely relative to new regulations as Wyoming looks to the impact of these new rules that are coming out in the summer," Drain said. It should help shape the direction and emphasis the state needs to place on coal initiatives, such as exports, he said.

According to the report, coal production in Wyoming has fallen by 17 percent since 2008 as result of factors including falling natural gas prices, slow national economic growth and increasing production of renewable energy. In 2008, the state produced a record 466 million tons.

Total state revenue from coal mining is $1.3 billion a year, or just over 11 percent of all government revenues in the state, based on 2012 figures, the report states.

The report analyzes a variety of environmental-regulation scenarios including the prospect of a carbon tax on coal production. It estimates that coal production in the state could drop from 20 percent to 45 percent and that state tax revenues could drop by up to 46 percent. Under the worst-case scenario, it states that one in 10 jobs in the Powder River Basin could be lost.

Exporting 100 million tons a year of coal to overseas markets would mean a $1.2 billion increase in the gross state product and spell an increase of 4,000 jobs at an annual total income of $345 million a year, the report estimates.

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News Headline: Solar-powered plane lands in Myanmar on 3rd leg of journey |

Outlet Full Name: Associated Press Online
News Text: ...attracted attention from people who see solar power as a future source of clean, renewable energy. Two other aircraft - an ATR 72 and Ilyushin 76...

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News Headline: Polluted skies over Paris push officials to take action |

Outlet Full Name: Associated Press Online
News Text: ...Paris officials are seeking drastic measures to combat an alarming spike in air pollution that has turned the city's skies a murky gray. Mayor Anne Hidalgo...

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News Headline: Obama drives ahead on climate with government emissions cuts |

Outlet Full Name: Associated Press Online
News Text: ...Obama ordered the federal government on Thursday to cut its greenhouse gas emissions by nearly half over the next decade, driving his climate...

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Outlet Full Name: Boston Herald Online
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News Headline: Obama orders 40% cut in government's greenhouse gases - The Boston Globe |

Outlet Full Name: Boston.com
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News Headline: For sale: Aging coal-fired power plant along Merrimack River valued between $10-$80 million |

Outlet Full Name: Concord Monitor Online
News Text: ...Pangallo said in an email. Texas-based Dynegy Inc. is in the process of acquiring Brayton Point Power Station, a 1,500 megawatt coal plant in Somerset,...

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News Headline: Study: Pollution raises exercise risks |

Outlet Full Name: EDGE
News Text: ...indoors to avoid breathing polluted air. Exercising in areas with high levels of diesel exhaust and microscopic soot particles is especially risky...

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News Headline: State looks to ramp up renewable energy |

Outlet Full Name: Greenwich Time - Online
News Text: ...make it a solar-power bonanza. Still, Connecticut has untapped potential for renewable energy, officials say, and will need to continue recent...

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News Headline: EPA REJECTS STATE PUSH TO DELAY ESPS IMPLEMENTATION PENDING LAWSUITS |

Outlet Full Name: Inside EPA Weekly Report
News Text: A top EPA official is rejecting calls from recalcitrant states to delay finalizing or implementing its rule to curb greenhouse gases (GHGs) from existing power plants, which the agency plans to issue this summer, in the face of opposition from cooperative states whose officials say any delay would undermine their ability to comply.

Speaking to high-ranking state environmental regulators at the Environmental Council of the States (ECOS) Spring Meeting in Washington, DC, March 16, acting EPA air chief Janet McCabe said EPA will "move forward" with the existing source performance standards (ESPS), echoing recent comments from EPA Administrator Gina McCarthy that the agency will stick to its existing schedule.

McCabe was responding to a question from Ohio EPA Director Craig Butler, who asked whether EPA could stall the implementation process while "some really significant legal questions" over the ESPS are resolved, citing the heavy investment states will make in the effort to comply.

The rule calls for states to craft their own implementation plans, drawing from a range of strategies to curb GHGs, but has run into legal action even before it goes final from several states, including Ohio, who challenge its lawfulness under the Clean Air Act. Once the rule is finalized, most observers expect more lawsuits will be filed, including one that will seek to stay the rule until the Supreme Court rules.

Butler asked McCabe if there was "any sense" that implementation of the ESPS could be put on hold, "not as a delaying tactic, but as a resource allocation" issue.

In response, McCabe noted that the timetable for ESPS differs from, for example, EPA's ozone national ambient air quality standards, which must be issued by Oct. 1 under court order. The ESPS is instead under a presidential deadline for issuance in final form, she said.

Minnesota Pollution Control Agency Commissioner John Stine, however, offered a different perspective, saying any delay would undermine his state's effort to comply.

"We feel the drag" of the need for additional dialogue between states and EPA that could delay the rule's implementation, Stine said. Industry and regulators in the state are already moving ahead with planning GHG reductions that could help meet the final ESPS rule, and this risks being compromised by delay, he said.

While she rejected calls to delay the rule's implementation, McCabe sought to allay fears from some state regulators that the ESPS as proposed would not allow states enough time to make the necessary changes to state statutes and regulations to allow implementation.

"We will not finalize something which in our view is literally impossible" to implement on time, McCabe said, adding that EPA will credit "good-faith efforts" to meet the rule. "I do think we have some tools in the Clean Air Act to deal with these issues," she said, without elaborating further.

Despite such assurances, opponents of the ESPS led by Senate Majority Leader Mitch McConnell (R-KY) are urging states not to cooperate in crafting their own plans for rule implementation, raising the possibility that EPA would impose a federal implementation plan on them instead.

Asked at the ECOS meeting what such a federal plan would look like, McCabe said only that "there is not a lot of specifics that I am really in a position to talk about today."

She said that EPA is wrestling with questions such as whether the agency will develop one "generic" plan for multiple states, or individually-tailored plans. Eventual federal plans would offer "flexibilities" and "options" for compliance, McCabe said.

Other speakers warned, however, that EPA's effort to provide states with flexibility was being undermined by calls by McConnell and other critics. Joe Mendelson, Democratic chief climate counsel for the Senate environment committee, said that McConnell's call for states to "just say no" threatens "co-operative federalism that underlies our environmental statutes."

Previously, Republicans have complained that EPA is undermining co-operative federalism by usurping states' powers under the air law.

Mendelson said efforts by GOP lawmakers to halt the ESPS will not likely succeed, as Democrats are "very confident" that the president would veto any legislation attacking the rule, and Republicans lack the 67 votes required for a veto override. "I hope states don't stop their implementation planning," but more forward to do what is best for them, Mendelson said, adding, "ultimately, litigation on it is not a compliance strategy."

But Susan Bodine, the environment committee's GOP counsel, said Chairman James

Inhofe (R-OK) remains concerned about the ESPS rule and EPA's overreach into areas of energy regulation beyond the agency's legal purview. "It is a significant concern," she said. -- Stuart Parker

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News Headline: INDUSTRY URGES HIGH COURT TO REVIEW EPA 'EXTRATERRITORIAL POWER GRAB' |

Outlet Full Name: Inside EPA Weekly Report
News Text: Major industry groups are urging the Supreme Court to review a lower court ruling that they say upholds EPA's unconstitutional "power grab" in seeking to enforce a consent decree against a foreign engine maker, Volvo Powertrain, in a dispute over whether the company, based in Sweden, violated an agreement signed by a different Volvo group company.

In a March 9 amicus brief in Volvo Powertrain Corporation v. USA and California Air Resources Board (CARB), industry groups including the National Association of Manufacturers (NAM) and American Petroleum Institute (API) support Volvo Powertrain's petition for the high court to review and overturn an appeals court ruling fining the company millions of dollars for violations stemming from certification of non-road engines that did not meet U.S. emission standards. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179826)

In the brief, authored by Harvard law professor Laurence Tribe -- also representing industry in litigation against EPA's power plant air toxics rules and a vocal critic of the agency's utility greenhouse gas rules -- the groups say that the agency overreached its powers delegated by Congress when it meddled in foreign affairs by enforcing the consent decree against a foreign company for engines that never entered the United States.

The industry groups are seeking to reverse a July 18 ruling from the U.S. Court of Appeals for the District of Columbia Circuit, which upheld a district court decision that fined the company some $70 million, payable to EPA and CARB, for violation of a consent decree entered into by a predecessor entity, Volvo Truck, for non-road engines made by another Volvo company, Volvo Penta, at Volvo Powertrain's facility in Sweden.

The engines did not meet U.S. emissions standards when Volvo Penta sought EPA certificates of conformity for them, and most were sold and used only outside the United States.

Volvo Powertrain's petition for a writ of certiorari pertains only to the engines sold outside the country.

The decree in question committed several car makers to an accelerated adoption of emissions regulations under a "non-road pull-ahead" deal that settled the government's 1998 claims that manufacturers had made cars with "defeat devices" that allowed them to achieve lower emissions under EPA test conditions than in real use. CARB was also a party to the decree.

"Although Volvo Penta, not Volvo Powertrain, sought the certificates of conformity in question, we read the terms of the consent decree to impose liability on Volvo Powertrain for its affiliate's engines manufactured at its facility," Judge Sri Srinivasan said in his unanimous opinion for the appellate court.

EPA in the case argued that Volvo Powertrain has violated "anti-circumvention" terms of the consent decree designed to prevent signatories evading liability by spinning off operations to other entities.

Industry groups intervening in the D.C. Circuit litigation, including API, NAM and the US Chamber of Commerce, warned that the courts risked violating "bedrock" legal principles that decrees should not be enforced against a non-party -- in this case, Volvo Powertrain, which had not signed the decree.

Consent decrees are a common way for EPA to settle enforcement actions against polluters, and the groups argued that the district court's ruling would discourage industry from signing such decrees, damaging EPA's enforcement of environmental laws.

The groups in their amicus brief again warn that the D.C. Circuit's affirmation of the district court decision risks undermining consent decrees. "This case has broad implications for consent decrees in the environmental field and elsewhere," they say, noting the "thousands" of consent decrees that EPA and other agencies enter into. Around 70 percent of all environmental enforcement actions by the government are settled by consent decree, the groups say.

However, they add to this an argument that EPA violated the Constitution by applying its powers to a foreign entity outside the country.

"The D.C. Circuit's rule would impermissibly allow agencies to circumvent legislative limits on their authority and to subject defendants (including amici's members) to potentially significant penalties not available under the statutory schemes administered by the agencies," the groups write.

The D.C. Circuit condoned "EPA's ability to assess penalties on the basis of foreign emissions from engines that never entered the United States," they say.

"EPA's power-grab would extend the agency's authority extraterritorially, with foreign policy implications that the agency is not equipped to take into account," they warn.

The Clean Air Act applies only within the territory of the United States, the groups say, and the Supreme Court "has repeatedly noted the special considerations that militate against construing legislation as having international application, and those concerns are magnified when an agency construes a consent decree to expand its power in a way that circumvents clear congressional limits on that agency's jurisdiction. Such an action by any agency is particularly inappropriate where the agency seeks to play an unauthorized foreign policy role."

In another March 9 amicus brief, the Atlantic Legal Foundation, describing itself as a group "advocating limited and efficient government, free enterprise, individual liberty, school choice, and sound science," says the D.C. Circuit's ruling "is directly contrary to the presumption against extraterritorial application of U.S. law."

The Alliance of Automobile Manufacturers, representing many U.S. and foreign carmakers, in its own March 9 amicus brief makes similar points, calling for a "clear demarcation" of EPA and foreign regulatory authority. Without this, federal agencies would be able to "govern by consent decree," the automakers say. -- Stuart Parker

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News Headline: NAS URGES EPA TO PREPARE FOR ASSESSING, REGULATING INDUSTRIAL BIOTECH |

Outlet Full Name: Inside EPA Weekly Report
News Text: The National Academy of Sciences (NAS) in a new report is recommending EPA and other agencies prepare to assess the risks that the rising uses of industrial biotechnology pose to human health and the environment, highlighting the gaps in existing laws that may provide challenges to federal agencies seeking to regulate the new technology.

Released March 13, the report "Industrialization of Biology: A Roadmap to Accelerate the Advanced Manufacturing of Chemicals," provides a roadmap both for advancing the nascent technologies and recommendations on how to best regulate the expected increase in their use. The Department of Energy (DOE) and National Science Foundation (NSF) asked NAS to "create a roadmap for accelerating the advanced manufacturing of chemicals using biological systems," according to the report.

Also called synthetic biology, this new area of research "is evolving so rapidly that no widely accepted definitions exist," according to the Wilson Center Synthetic Biology Project's website. The site describes synthetic biology as recent advances in science that allow scientists to create new organisms by engineering new DNA sequences. These new organisms do things like "produce biofuels or excrete the precursors of medical drugs. To many people, this is the essence of synthetic

biology," the website says.

Industrial biotechnology encompasses some $353 billion in economic activity in 2012, according to the report, but the technologies could be advancing faster, particularly with regard to the development of new types of chemicals, the report finds.

The report outlines what its authors see as the many potential advantages of chemicals developed with biotechnologies, both environmental and commercial, such as reduced toxic by-products and greenhouse gas emissions, lower fossil fuel consumption in chemical production, lowered costs, increases in speed, flexibility of manufacturing plants and increased production capacity.

The report recommends that DOE, NSF, the Defense Department and National Institutes of Health assist in the advancement of such technologies.

But the report also recommends that EPA and other agencies prepare to assess the risks of such technologies and regulate them as necessary. EPA, the Agriculture Department, the Food and Drug Administration, and the National Institute of Standards and Technology "should establish programs for both the development of fact-based standards and metrology for risk assessment in industrial biotechnology, and programs for the use of these fact-based assessments in evaluating and updating the governance regime," the report says.

Further, the report recommends that EPA and other agencies work collaboratively to assess "the adequacy of existing governance, including but not limited to regulation . . ." In an appendix, the report outlines some potential gaps in existing legislation and regulatory policy that may become problematic as biotechnology applications become more common. For example, microorganisms made using synthetic DNA sequences not found in any existing organism might not fall within the EPA's definition of engineered microorganisms under the Toxic Substances Control Act (TSCA).

There is also a question of whether EPA can adequately review applications for fields tests of organisms created through synthetic biology within the 60-day time frame allotted under TSCA. -- Maria Hegstad

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News Headline: INDUSTRY, ADVOCATES SPAR OVER QUALITY OF EPA'S SO2 DATA FOR MAJOR RULES |

Outlet Full Name: Inside EPA Weekly Report
News Text: Utility industry officials and environmentalists are sparring over advocates' claims that EPA data on sulfur dioxide (SO2) emissions that underpins

parts of several major air rules fails to meet Information Quality Act (IQA) standards, as industry pushes back on claims that flaws in the data raise questions over the basis for some regulations.

EPA said in a recent rule that a lack of SO2 data meant it would exempt power plants from having to comply with its utility air toxics rule limits during utility startups, which advocates said is either an erroneous statement or shows that conclusions on SO2 in other air rules violate the IQA. But an industry air monitoring expert counters that EPA's statements on SO2 data for the utility air rule are distinct from the conclusions that it reached on SO2 in its other air regulations.

"Clearly, the two types of monitoring systems are mutually exclusive and the environmentalist position that this says anything about the quality of the SO2 [or nitrogen oxides (NOx) or carbon dioxide] data used in other major air rules -- particularly emissions trading programs -- "is simply wrong," the expert says.

An Environmental Integrity Project (EIP) source counters that the expert misunderstands EPA's position, calling "rubbish" the idea that EPA needs to grant any exemption from utility air toxics rule compliance because of problems in air monitoring. For SO2, "we don't think the monitoring in these periods is inaccurate," the source says. Broader doubts over monitoring cannot serve as an excuse for a regulatory exemption when the SO2 data are accurate, the source says.

In a Feb. 23 request for correction under the IQA -- also known as the Data Quality Act -- the Chesapeake Climate Action Network (CCAN) and EIP ask EPA to justify statements the agency made regarding difficulties in monitoring SO2 emissions during power plant startups and shutdowns, which the agency cited in its recent rule exempting plants from certain emissions limits during their startup periods (Inside EPA, March 13).

The groups claim that EPA has accounted for SO2 air pollution during startups in other major rules such as its Cross-State Air Pollution Rule (CSAPR) emissions cap-and-trade program and its acid rain air trading program, so either those rules are based on flawed data or EPA's justification for the exemption rule is invalid.

But the industry expert says environmentalists appear to have misunderstood EPA's statements in the rule creating the exemption from limits in its utility air toxics regulation, which are tied specifically to monitoring techniques for hazardous air pollutants (HAPs), or air toxics, including acid gases. EPA allows the use of SO2 emissions as a "surrogate" for measuring compliance with the utility air rule's acid gas limits.

The Nov. 19 rule modifying the agency's landmark utility maximum achievable control technology (MACT) air toxics standards said EPA would allow a four-hour exemption from having to comply with the rule's emissions limits during power plant startups because the agency lacks sufficient data on the functioning of continuous

emissions monitoring (CEMs) during the startup phase of operations. After four hours, EPA said it was confident that conditions were stable enough to allow emissions controls and monitoring to function normally.

CCAN and EIP seized on EPA's doubts about data adequacy, saying this conflicts with years of experience under other regulatory programs where EPA has gathered data on SO2 from power plants, including during startup, and has vouched for the accuracy and completeness of the data. CCAN and EIP in their IQA request say that in its MACT reconsideration, "after adopting SO2 as a surrogate for limiting acid gases from power plants, EPA indicated that plants cannot accurately measure emissions (including emissions of SO2) during startup and shutdown."

If these agency statements on SO2 data in the utility MACT are correct, "neither the Clean Air Markets data disseminated by EPA nor EPA's earlier statements regarding the accuracy of monitoring in the Acid Rain program can be accurate or reliable," as required by the IQA and EPA's own guidelines, the groups said. The IQA sets data quality guidelines for rules and allows groups to petition EPA under the law to try and force changes to data.

The groups are also suing EPA over the utility MACT startup exemption in the U.S. Court of Appeals for the District of Columbia Circuit, in Chesapeake Climate Action Network, et al. v. EPA.

The industry expert says that in the utility MACT exemption rule, "EPA is worried about HAP emissions monitoring and made the point several times in the draft rule and technical support document that after the four hour startup period they propose the HAPS monitors 'will be sufficiently stable to allow for accurate measurement of HAP emissions with CEMS'" -- an issue unrelated to SO2 data statements in other air rules.

"The instrumentation to measure SO2 and HAPs are different beasts," the expert says. "The SO2 monitoring technology in use to today has been used for over 40 years in the field, has been used in literally thousands of instances and can measure SO2 at low and fluctuating concentrations common in startup."

The source adds, "HAP monitors are much more complicated, using different sensing approaches that do not measure fluctuating concentrations well, have only been employed operationally . . . over the last decade" and there are probably less than 100 monitors in operation that have operated for more than one or two years.

In its reconsidered rule, EPA says, "The EPA analysis of startup events at coal-fired [electric generating units, or EGUs] indicates that the best performing EGUs can, on average, initiate operation of their SO2 and NOx air pollution control devices (APCDs) within 4 hours following the start of generation."

In addition, "the Agency is confident that stack conditions at this time are conducive

for accurate measurements of HAP emissions using CEMS. For these reason[s], and because SO2 can be used as a surrogate for the control of acid gases and SO2 and NOx APCDs can impact the control of [mercury] emissions, and because we believe based on comments and other information that SO2 and NOx controls are generally the last APCDs to be engaged, the EPA has determined that the end of startup should be defined as the end of the 4th hour following the start of generation of electricity or useful thermal energy," according to the final regulation.

EIP fears that EPA is progressively weakening the utility MACT to accommodate industry in a variety of ways, including the startup exemption and a move to lengthen averaging times for compliance periods.

"I have not seen the agency do this, to this degree," the EIP source says, noting that the startup issues are particularly significant for a subset of plants burning dirtier fuel such as lignite.

"They are cutting deals with the industry," the source claims. EIP is one of several environmental groups concerned that high pollution levels during startup could compromise the MACT rule's promised health benefits. The EIP source says that EPA's position on data adequacy in the utility MACT startup reconsideration rule risks undermining other longstanding programs, such as the acid rain program and CSAPR.

Startup issues will not, however, feature in Supreme Court consideration of the rule at oral arguments March 25, where the court will hear industry's case that EPA erred by not considering costs when it made a prerequisite finding that it is "appropriate and necessary" to regulate air toxics from power plants.

Meanwhile, EPA Administrator Gina McCarthy signed a technical revision to the utility MACT March 9, allowing power plants under a phased approach to report emissions data to EPA using one existing electronic system, rather than two.

The rule, not yet published in the Federal Register, would require that industry report data under the Emissions Collection and Monitoring Plan System (ECMPS) Client Tool, already in widespread use, and phase-out use of the Compliance and Emissions Data Reporting Interface for the utility MACT, also known as the mercury and air toxics standards (MATS). The rule is available on InsideEPA.com. See page 2 for details. (Doc. ID: 179823)

"This final rule is the first step in the process. The next step is for the EPA to create a detailed set of reporting instructions and design, develop, beta-test and implement the necessary modifications to the ECMPS Client Tool; however, the EPA cannot complete the second step prior to April 16, 2015, the compliance deadline for the MATS rule. Therefore, we are implementing a phased approach to completing the change in the electronic reporting requirements," EPA says.

The rule finalizes a Nov. 19 proposal, making minor changes to address concerns from some state air quality experts that the rule should require complete reporting of emissions stack testing data. "To address any ambiguity on this issue, we are revising the proposed rule and expressly requiring submission of emissions test reports in the final rule," EPA says. -- Stuart Parker

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News Headline: EPA EYES BROADER USE OF GUIDE TO CUT EMISSIONS FROM EXISTING DRILL SITES |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA's top air official is asking states if they plan broader use of agency guidelines for cutting volatile organic compounds (VOCs) at existing drilling operations -- a measure that is likely to have a co-benefit of also reducing methane, the potent greenhouse gas (GHG) -- than in the air quality non-attainment areas for which it is intended.

Speaking March 16 to state environmental regulators at the spring meeting of the Environmental Council of the States (ECOS) in Washington, D.C., acting EPA air chief Janet McCabe asked state officials if they intend to use the upcoming "control techniques guidelines" (CTGs) in areas that attain the agency's ozone air quality standards, as well as the non-attainment areas for which it is generally intended.

McCabe asked states if they are "considering that [the CTGs] could apply more broadly," in areas meeting the ozone national ambient air quality standards (NAAQS) as well as those that do not meet the NAAQS.

EPA is soliciting advice from states on this and other aspects of drilling regulation, she said, seeking to draw on the knowledge of states such as Colorado that already have substantial experience in this area. At present, the agency is working with a group of 11 states that have volunteered to share expertise, but McCabe invited others to join the effort if they wish.

EPA's new source performance standards (NSPS) for oil and gas drilling already control ozone-forming pollution from volatile organic compounds (VOCs) from new wells, requiring in most cases the capture of waste natural gas at well sites using a method known as "green completion."

The approach has resulted in the co-benefit of reducing methane emissions, a point highlighted by many in industry to argue against direct regulation of methane.

But EPA and others say the rule has not done enough to regulate methane and the the agency is now working to propose new standards to also directly control methane from new wells and modified wells.

EPA plans to propose a revised NSPS this summer, and also draft CTGs that will aid states in cutting VOCs that contribute to non-attainment with ozone air quality standards. The CTGs will apply in areas currently out of attainment with the agency's ozone NAAQS and in the Ozone Transport Region of states with high ozone levels.

Because controlling VOCs has a co-benefit of reducing methane, many in industry hope the CTGs will help limit the need for EPA to eventually write a rule regulating methane at existing drilling sites. But environmentalists say that once EPA regulates new sources, it has a mandatory duty to regulate existing sources, though EPA says it has a lot of discretion to determine when the agency is required to do so.

McCabe explained that the CTGs "are not rules, but they kind of look like rules." States can adopt the guidelines directly, or adopt something equivalent. The CTGs apply in areas that are classed in "moderate" or worse nonattainment with the ozone NAAQS, where reasonably available control technology is required to curb emissions.

McCabe noted that frequently, ozone problems are worsened by emissions from industry outside a nonattainment area's political boundaries, such as county or state borders. States have often found it helpful to define nonattainment areas to include surrounding areas where industry or other sources of ozone-forming emissions are located, she said.

EPA has hinted at such an approach before. When the administration announced its plans last January, EPA noted in a fact sheet that the CTGs will provide states and tribes with a voluntary "model they can put in place to address emissions from sources in other areas where oil and gas activities are concentrated."

She also said that ECOS' recently launched e-MATRIX database of state documents on emissions reduction will be very helpful to EPA as it crafts new rules (Inside EPA, March 13).

In her comments, McCabe also emphasized that innovative compliance options will be essential to successfully implement the agency's nascent strategy to reduce methane and other pollutants from oil and gas drilling, given limited state and federal resources to inspect thousands of far-flung wells.

She touted the cost-effectiveness of regulating air emissions from drilling, though she conceded that to work, the agency's strategy must employ novel implementation techniques to reduce methane and other pollution.

The "great advantage of regulating this space" is that "the reductions are so cost-effective, the reductions are so large," McCabe said.

Her comments echo claims from environmentalists. Environmental Defense Fund

(EDF), for example, has long touted a March 2014 study it commissioned from consulting firm ICF International that found that with existing technologies and practices, "industry could cut methane emissions by 40 percent at a cost of less than a penny per thousand cubic feet of produced natural gas," EDF says.

But to fulfill its promise of highly cost-effective pollution cuts, EPA regulation must be paired with methods to ensure compliance is not excessively onerous, McCabe said.

"We need to be really thinking about the kinds of approaches that are easily verifiable," McCabe said. In practice, this might mean remote sensing and electronic reporting of leaks in equipment that can be used continuously, and at low cost.

Speaking at the same event, EDF's Mark Brownstein said that in general, green completion is a "phenomenally effective technology," with proven benefits. However, information on air emissions from oil and gas production is still dependent on EPA "emissions factors" that regulators and industry use to estimate the projected emissions from a given type of equipment.

Environmentalists frequently question the accuracy of emission factors, for example in air toxics regulation of oil refineries, where some groups say the factors rely on flawed assumptions and can underestimate true emissions by an order of magnitude. Brownstein said that EDF's hope is that by conducting more site surveys, "we can get better information."

What is clear, Brownstein said, is that a minority of pieces of equipment is responsible for the large majority of emissions, but that "these emissions are randomly distributed," making them hard to predict. This underscores the value of "robust" leak detection and control, he said.

EDF has commissioned ICF International to survey existing emissions control technologies, Brownstein said, and is also supporting pilot programs testing real-time leak detection methods. Such methods alert an operator electronically when a threshold level of emissions is breached, and can provide a continuous record of emissions performance.

Using such remote monitoring methods would be much more cost-effective than in-person inspections, Brownstein said. Two such methods have passed field testing, Brownstein said, adding that within six to 12 months, "we will have something more substantial to say on cost-effectiveness."

The focus of EDF's work in this area has been drilling sites themselves, but also includes natural gas gathering and processing facilities, Brownstein said.

Meanwhile, Pam Lacey of the American Gas Association, representing investor-owned gas utilities, focused on the challenges utilities face in repairing leaks from

older pipes in the downstream gas distribution network. This is an issue primarily in older cities along the "Amtrak corridor" along the East Coast, she said.

Utilities are looking to replace old pipe and curb venting of gas when they make repairs, but must balance the costs of replacement against costs to consumers and returns on investment demanded by Wall Street, Lacey said. Utilities are answerable to public utility commissions that are "economic, not environmental regulators," she said. -- Stuart Parker

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News Headline: EPA SENDS FINAL 'AFFIRMATIVE DEFENSE' AIR RULE TO WHITE HOUSE FOR REVIEW |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA has sent for White House Office of Management & Budget (OMB) review its final rule to scrap provisions in many states' air plans that give industry an "affirmative defense" against liability for Clean Air Act violations, a plan environmentalists support but that critics say ignores states' discretion to offer the defense to industries.

According to OMB's website, EPA sent the final version of the rulemaking for pre-publication review March 11 ahead of a May 22, 2015, settlement agreement deadline for issuing it. OMB review typically takes 90 days but can take more or less time. EPA says it projects publishing the final rule in the Federal Register by June.

The rule will mark EPA's response to a petition filed by the Sierra Club in June 2011 that asked the agency to force changes to many state implementation plans (SIPs) that included the affirmative defense, which allows industry under certain circumstances to avoid liability for exceeding some Clean Air Act limits.

Sierra Club has repeatedly said that it is unlawful for EPA to allow states to use the defense in SIPs -- blueprints for complying with federal air programs -- following the U.S. Court of Appeals for the District of Columbia Circuit's unanimous April 18 ruling in Natural Resources Defense Council (NDRC) v. EPA that said the affirmative defense exceeds EPA's air law authority and the agency cannot include it in its rules.

EPA has interpreted the ruling in NRDC to mean that it must also force states to remove the affirmative defense from federally-approved SIPs. In September, EPA issued a proposed version of its affirmative defense rule, in which it took comment on a "SIP Call" that would force removal of the defense from many states' SIPs.

Environmentalists have offered support for the proposed rule. "Sierra Club supports this action because the Sierra Club stands with our allies and members across the

country fighting environmental injustices and corporate abuses of power, and this rule will go a long way in helping protect those that need it most," said Sarah Hodgdon, Sierra Club's director of conservation, at an Oct. 7 EPA hearing on the rule.

The affirmative defense proposal supplements an earlier proposed rule in which the agency said it would scrap provisions from 36 SIPs that exempted pollution spikes during startup, shutdown and malfunction (SSM) from air limit violations. The D.C. Circuit in a 2008 ruling vacated the SSM defense as unlawful under the air law, prompting the original EPA SIP rulemaking in 2013. The agency then developed the affirmative defense policy as a more limited defense in situations where facility malfunctions lead to emissions spikes.

But the D.C. Circuit in its April ruling vacated that defense as also violating the air law, prompting EPA to issue the supplemental proposal that would scrap affirmative defenses from 17 SIPs. The final rule that EPA will issue once it clears OMB review will address both SSM and the affirmative defense.

But major industry groups and several states are opposing the plan, saying in their written comments on the proposal that it ignores states' discretion to write the defenses into their SIPs (Inside EPA, Nov. 21).

For example, several states -- including Arizona and Georgia -- in comments said that the affirmative defenses states offer can comply with the Clean Air Act and therefore should be allowed in SIPs.

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News Headline: EPA PM2.5 SIP RULE SHOWS EFFECT OF RULING REQUIRING STRICTER AIR CONTROLS |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA's just-released proposed rule guiding states on how to implement that agency's 2012 fine particulate matter (PM2.5) air standard highlights the broad effect of an adverse appellate ruling on the policy, forcing the agency to float a range of options for states to comply under stricter Clean Air Act provisions than previous policies.

In the proposed rule signed March 10 by EPA Administrator Gina McCarthy, but not yet published in the Federal Register, EPA details a lengthy list of requirements for states when crafting state implementation plans (SIPs) for meeting the annual 2012 PM2.5 national ambient air quality standard (NAAQS), set by EPA at 12 micrograms per cubic meters (ug/m3) annually. The 2012 rulemaking tightened the standard from the prior 2006 NAAQS of 15 ug/m3. The proposed rule is available on InsideEPA.com. See page 2 for details. (Doc. ID: 179661)

The proposal grapples with how to regulate PM2.5 under stricter air law provisions mandated by the U.S. Court of Appeals for the District of Columbia Circuit in its 2013 ruling in Natural Resources Defense Council (NRDC) v. EPA, in which it faulted the agency for using weaker provisions of the air law in prior implementation rules.

In the case, the court agreed with NRDC and other environmentalists that EPA had wrongly applied softer Clean Air Act "subpart 1" provisions to implement PM2.5 standards, which apply to the NAAQS program in general, rather than the more stringent "subpart 4" provisions that apply to coarse particulate matter (PM10) (Inside EPA, Jan. 18, 2013).

The court rejected EPA's argument that PM2.5 was a "new" pollutant, and hence not subject to subpart 4, finding instead that PM2.5 is a subset of the larger PM10 and must therefore be subject to the tougher terms of subpart 4. EPA's new implementation rule shows that decision has multiple implications for PM2.5 SIP planning.

One implication of the ruling is that EPA must now reexamine the SIP requirements for regulation of PM2.5 precursors, such as sulfur dioxide, nitrogen oxides, volatile organic compounds and ammonia. These chemicals react in the air to form PM2.5, rather than being directly emitted as particles from pollution sources.

Subpart 4 sets specific requirements for EPA's treatment of precursors, requiring a more detailed consideration than the more general Subpart 1. EPA had under previous implementation policies, remanded by the D.C. Circuit, allowed nationally applicable presumptions that states did not have to consider some precursors, such as ammonia, for particular regulatory purposes such as new source review permitting requirements.

In the new proposed rule, EPA is saying it would abolish such presumptions in favor of state-specific exemptions that must be justified by local regulators, under three options the agency invites comment on.

"This rule does not propose any national presumption that would simply allow a state to exclude sources of emissions of a particular precursor from further analysis for control requirements. However, the EPA's existing interpretation of subpart 4 requirements -- with respect to precursors in attainment plans for PM10, as set out in the General Preamble -- contemplates that the state may develop an attainment plan that regulates only those precursors that are necessary to control for purposes of timely attainment in the area, i.e., states may determine that only certain precursors need to be regulated for attainment purposes," according to the rule.

The agency says that courts have supported such an approach for regulation of PM10 emissions. The livestock industry has recently expressed concern that EPA might

require regulation of ammonia (Inside EPA, Jan. 9).

Agriculture groups say although ammonia is unquestionably part of the overall air pollution mix that leads to fine PM2.5 formation, there is no scientific evidence to suggest that ammonia, and specifically ammonia produced from manure generated in intensive animal husbandry, is to blame for ill health. There has "never been a serious look at the fact that certain species of PM2.5 cause no health effects," one industry source has said, citing studies that have failed to show adverse health effects from breathing ammonia emitted by farming sources.

Industry sources prefer voluntary approaches to reducing ammonia emissions, and EPA Region 7 Administrator Karl Brooks recently touted efforts within his region to voluntarily cut agricultural ammonia (Inside EPA, Dec. 26).

But EPA's implementation rule includes options that appear to offer a way for the industry in specific states, such as California, to avoid direct regulation of the livestock sector as a way to reduce PM.

Option one requires two analyses: an attainment planning analysis demonstrating that control measures for a particular precursor are not needed for expeditious attainment, and a technical demonstration showing that major stationary sources of a particular precursor do not contribute significantly to levels that exceed the PM2.5 standard. Option two calls for a single analysis demonstrating that all emissions of a particular precursor from within the area do not significantly contribute to PM2.5 levels that exceed the standard.

Option three calls for an attainment planning analysis demonstrating that control measures for all types of sources of a particular precursor are not needed for expeditious attainment.

Other changes EPA contemplates in the rule include altered submission deadlines for various SIP-related documents, and how to adapt to Subpart 4's two-step system classifying the severity of nonattainment areas.

Subpart 4 initially places all areas in "moderate" nonattainment, then bumps them up to "serious" status if they fail to attain the NAAQS by applicable regulatory deadlines. Subpart 1 does not divide areas into different nonattainment levels. Serious status requires the application of stringent control measures under best available control technology and best available control measures provisions -- tougher than "reasonably available" control technology or measures that are required for "moderate" nonattainment areas to reduce their emissions levels.

The proposed rule would also revoke the agency's prior "primary," or health-based, annual PM2.5 NAAQS set at 15 ug/m3 in 1997, although again EPA floats options for how to achieve this goal.

Option one would revoke the NAAQS "for all purposes in attainment areas for that NAAQS 1 year after the effective date of the designations for the 2012 primary annual PM2.5 NAAQS," while option two would revoke the NAAQS for all purposes in both nonattainment and attainment areas.

Revoking old NAAQS standards has in the past led to legal fights between environmentalists and EPA over which measures to combat air quality "backsliding" EPA must retain from the revoked NAAQS. -- Stuart Parker

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News Headline: GOP LAWMAKER ARGUES EPA OZONE NAAQS SCIENCE JUSTIFIES 'REFORM' BILLS |

Outlet Full Name: Inside EPA Weekly Report
News Text: Rep. Lamar Smith (R-TX), chair of the House science committee, is arguing that EPA's proposed tightening of its ozone national ambient air quality standard (NAAQS) is based on flawed scientific data and justifies pending legislation to "reform" the process through which EPA collects such data and receives advice from scientific experts.

EPA has defended the science underpinning its proposal to revise the existing 2008 ozone standard of 75 parts per billion (ppb) down to a range between 65 and 70 ppb, saying it has the backing of its independent Clean Air Scientific Advisory Committee (CASAC). But industry groups, GOP lawmakers and some state air regulators say there is no justification for a stricter NAAQS -- arguments they are making in comments filed on the proposal.

EPA's comment period on the potential stricter standard closed March 17, and lawmakers used the date to push legislation they say would help address their concerns about alleged problems in the NAAQS process.

For example, Sens. John Thune (R-SD) and Joe Manchin (D-WV) along with Reps. Pete Olson (R-TX) and Bob Latta (R-OH) introduced legislation March 17 that would prohibit EPA from tightening the ozone standard until at least 85 percent of counties currently out of attainment with the 2008 limit are in attainment. EPA's critics note the agency only recently issued guidance to states on how to craft plans for meeting the 2008 standard.

Separately, Smith held a House Science, Space & Technology Committee hearing on the potential impacts of a stricter ozone standard, where several witnesses warned it would create economic harm and job losses. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179742)

In his opening remarks, Smith said it is "premature" for EPA to consider tightening

the standard when states have not yet met the 2008 limit. However, the Clean Air Act mandates that the agency review -- and potentially revise -- its NAAQS every five years, meaning that that ozone standard review is already overdue. EPA proposed the revised ozone standard late last year and under a legally binding deadline must finalize it by Oct. 1.

Smith added, "I'm also concerned that the science used to justify this rule is not good science," saying it fails to adequately account for the role of ozone-forming pollution from overseas that EPA cannot regulate, or uncontrollable, naturally occurring background ozone levels, "which would mean trying to beat Mother Nature."

Smith also expressed concern about EPA's process in developing and reviewing the science on the ozone standard to reach its conclusion that a 65-70 ppb limit is necessary to meet a Clean Air Act requirement that the NAAQS be set at a level that the administrator deems adequate to protect human health in an adequate margin of safety. Smith claimed EPA did not make key scientific data available, adding, "This raises a lot of suspicions."

He argued that EPA ignored "inconvenient scientific conclusions and muzzle[d] dissenting voices" that said there is a robust scientific basis for retaining the existing 75 ppb ozone standard.

"This hearing provides an example of why we should support both the Secret Science Reform Act and the Science Advisory Board [SAB] Reform Act, which are on the House floor this week," he said.

The two bills -- which House lawmakers approved in floor votes this week -- stem from concerns GOP lawmakers have raised about the science underpinning EPA's rules.

The Secret Science Reform Act, H.R. 1030, would force EPA to use the "best available" science in developing rules and make all data for its rules publicly available. The Senate version, S. 544, was introduced by John Barrasso (R-WY), who has criticized the costs of a host of EPA rules, including the ozone proposal.

H.R. 1029, the SAB Reform Act, aims to overhaul the membership of SAB, which advises the agency on a host of rulemakings. It would also authorize SAB to review EPA risk assessments that underpin regulations, among various other provisions which supporters say would help ensure the board's independence.

Although the House is advancing the measures, the Senate has not acted on such legislation, and the White House has issued veto threats for both bills. In its Statements of Administration Policy on the bills, the White House said they would undermine advisers' independence and impede the rulemaking process.

During the House science panel hearing, Harry Alford, president and CEO of the

National Black Chamber of Commerce, echoed concerns raised by industry groups that a stricter ozone standard would cause economic harm. Critics of the proposal say that it would place many current attainment areas in nonattainment for the first time. This would trigger requirements for those areas to impose potentially costly pollution controls on industrial sources of ozone-forming emissions, and EPA's critics say the threat of such controls drives businesses away from those areas.

A standard in the 65-70 ppb range EPA has proposed "will almost certainly cause economic harm" to the Chamber's members, Alford said, calling on the agency to retain its existing 75 ppb limit.

Similarly, Raymond Keating, chief economist of the Small Business & Entrepreneurship Council -- which he described as a non-partisan non-profit dedicated to small business -- warned of "considerable cost" from stricter ozone standards, saying it would lead to increased regulation that causes increased costs.

But EPA had some defenders at the hearing, with House science panel ranking member Eddie Bernice Johnson (D-TX) saying a stricter NAAQS would be more protective of public health. And while she is "not insensitive" to the cost claims, she noted that the air law says EPA must set NAAQS based solely on scientific data. Under the statute and legal precedent, the agency cannot consider economic costs when setting the level of the NAAQS.

She also argued that the industry and Republican claims of increased costs from stricter EPA rules "is not a new story" and similar claims have been made on other rules, only to prove unfounded.

Dr. Mary Rice, a pulmonary care physician at Harvard Medical School and member of the American Thoracic Society's Health Policy Committee, used her witness testimony to warn about the adverse health impacts of ozone and suggested a 60 ppb standard is necessary to protect public health. "The science is strong and compelling" for a stricter limit, she said, noting that EPA based its proposal on a review of hundreds of scientific studies using multiple methods, such as human exposure and animal toxicology testing.

In a related development, environmental group Earthjustice March 17 touted the fact that more than 500,000 people from community, environmental and health groups have written to EPA seeking a 60 ppb standard.

Although Rice noted at the hearing that she is a health professional and not an economist, she said there are enormous cost-related health benefits from a lower ozone standard, including a reduction in lost work days due to adverse respiratory impacts from ozone pollution and savings on the use of medication for treating asthma.

But the Chamber's Alford said in response to a question from lawmakers that a

stricter ozone standard would cause job losses, arguing that "jobs are the linchpin to quality of life and to health."

That statement echos remarks from Howard Feldman, the American Petroleum Institute's senior director of regulatory and scientific affairs, on a March 16 conference call with reporters. He said that although EPA touts benefits from a stricter NAAQS, there are "adverse health impacts" from the costs associated with a stricter standard. He urged the administration to retain the existing 75 ppb standard in its final NAAQS revision.

Various other industry groups -- including the American Wood Council and American Forest & Paper Association -- also issued statements March 17 urging EPA to retain the current ozone standard.

Some state and local officials are also raising concerns over the proposal, including 11 Republican governors who sent a March 16 letter to EPA Administrator Gina McCarthy urging her to abandon plans to tighten the standard. The governors representing Arkansas, Georgia, Idaho, Indiana, Louisiana, Maine, Mississippi, Oklahoma, South Carolina, Texas and Wisconsin reiterate the concerns about costs from a more stringent NAAQS.

"Our states' resources are not infinite. At a time when we should be focusing on growing the economy and creating jobs, the EPA is imposing a steady stream of complex, expensive new regulations that require an army of policy and technical experts and lawyers to decipher, respond to, and ultimately implement. The proposed NAAQS for ozone is the most onerous and expensive yet," the governors wrote. -- Anthony Lacey

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News Headline: EPA CRITICS CLAIM LACK OF COST REVIEW UNDERMINES BASIS FOR UTILITY MACT |

Outlet Full Name: Inside EPA Weekly Report
News Text: Utility and mining industry groups are urging the Supreme Court to scrap EPA's utility air toxics rule by arguing that the agency's failure to consider costs when deciding that the rule was "appropriate and necessary" makes the rule unlawful because costs are a central factor in the decisionmaking process of developing new regulations.

The claim -- outlined in March 18 final briefs filed by critics of the utility maximum achievable control technology (MACT) air rule -- builds on existing arguments from industry that EPA erred by not weighing costs in its decision to list power plants as subject to the air law's MACT air toxics program. The Supreme Court has agreed to hear litigation over the utility MACT on the narrow issue of whether the listing

decision should have included a cost review.

Three related petitions to the high court, National Mining Association (NMA) v. EPA, et al., Utility Air Regulatory Group (UARG) v. EPA, et al., and State of Michigan, et al. v. EPA, et al., seek to overturn EPA's determination that it is appropriate and necessary to regulate air toxics from power plants, a legal prerequisite for the subsequent MACT. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179832)

The final briefs from industry and the state of Michigan, which also opposes the rule, build on claims raised in previous briefing in the consolidated litigation, which the court is slated to hear March 25.

For example, UARG says EPA erred by claiming that the "appropriate and necessary" test applies to the initial decision to list electric generating units (EGUs) as subject to an air law section 112 air toxics rule.

EPA and its supporters argue that there is no Clean Air Act obligation to weigh costs in that initial step, that the cost review requirement only triggers in a subsequent rulemaking setting MACT, and that the agency did so in the utility rule. EPA found the benefits of the rule massively outweigh the costs, chiefly through health "co-benefits" of reducing particulate matter -- which is not a hazardous air pollutant (HAP), such as mercury, targeted by the rule.

UARG in its final brief says that "'appropriate and necessary' calls on EPA to make the ultimate substantive regulatory determination with respect to . . . regulation of EGU HAP emissions." If it fails to consider costs at the outset, therefore, EPA cannot use the defense that it did so later, UARG says.

Separately, NMA in its final brief makes the same argument as the utility group. The air law "does not say that EPA shall assess whether listing is appropriate and necessary. It directs EPA to determine whether 'such regulation' -- that is, regulation 'under this section' [112] -- is appropriate and necessary."

NMA also notes that Congress established different procedure for regulating power plants than other categories of emissions sources. The group says that this approach supports its contention that costs should have been considered from the beginning in EPA's calculation of whether to regulate utilities with a MACT.

EPA and its supporters have argued that the structure of the air law -- requiring that costs be taken into consideration in the standard-setting phase -- supports their case, because the agency weighed costs when developing the MACT standards. But NMA in its brief counters that the special status of power plants in fact proves the reverse: that power plants are a special case, and must be considered differently than other sources.

"Congress, in contrast to its otherwise applicable approach, and because of its concern about the multiple, costly regulations which it had adopted for the power sector, wanted EPA to exercise policy judgment as to whether the severity of the impacts warrant the type of regulation 'under this section' that EPA has undertaken. That judgment necessarily involves weighing costs and benefits," NMA argues.

NMA also calls attention to what it says is the massive disparity between high costs and low monetized benefits, faulting EPA for counting the co-benefit reductions of particulate matter emissions not regulated by the MACT.

In its final brief, Michigan says that EPA's failure to consider costs is inherently unreasonable, given how expensive the regulation is by EPA's own estimates. The state also repeats an argument raised by petitioners previously, that by ignoring costs in the "appropriate and necessary" finding, EPA robs the word "appropriate" of meaning, because it made the decision to regulate based purely on the finding that it is "necessary" to mitigate health risks.

EPA's action deprives "Congress's command that EPA decide whether regulation is appropriate of any meaning and instead allows EPA to impose costs that are wholly disproportionate to their benefits - to impose $9.6 billion in costs on Americans who consume electricity for a benefit of only $4 to $6 million worth of HAP emission reductions."

Meanwhile, a number of other groups in recent amicus briefs filed with the high court support EPA's position to not consider costs in its initial decision to list power plants under a MACT regulation.

For example, the Union of Concerned Scientists in its March 13 brief says, "The structure and language of the [air law] plainly dictate that the [appropriate and necessary] finding should be based on a scientific determination of public health impacts, not cost."

Other groups filing recent briefs in support of the agency include the National Congress of American Indians, which stresses the risks to native populations from eating mercury-laden fish, and a seperate brief from emissions control manufacturers, who argue that the costs of the MACT cannot be estimated before standards are set.

A coalition of health scientists also filed a brief, drawing the court's attention to the risks posed by mercury and the health benefits of the rule's anticipated reductions in mercury emissions. -- Stuart Parker

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News Headline: EPA EYES SENATE TSCA REFORM BILL FIXES BUT

QUESTIONS STATE PREEMPTION |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA toxics chief Jim Jones is detailing potential fixes to a bipartisan Senate Toxic Substances Control Act (TSCA) reform bill in order for the measure to win the agency's support such as clarifying its power to regulate "articles," but Jones questioned language that opponents of the bill warn will broadly preempt state toxics programs.

At a March 18 Senate Environment & Public Works Committee (EPW) hearing on the bill, Jones said that while preemption was not one of the six issues identified by EPA in its TSCA reform principles floated early in the Obama administration, he is "confident preemption will be a critical element" as EPA reviews the new bill.

In response to questions from Sen. Cory Booker (D-NJ) on whether preemption would be a key issue EPA might consider when examining the bill, Jones said the administration is "looking at it very hard."

Preemption is one of the areas Sen. Barbara Boxer (D-CA), ranking member on EPW, echoed by other committee Democrats, highlighted during the hearing as a "fatal flaw" of the bipartisan bill, S. 697, known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act after the late Sen. Frank Lautenberg (D-NJ).

Lautenberg introduced a TSCA bill in 2013 with Sen. David Vitter (R-LA), but it stalled in committee largely due to preemption concerns raised by Boxer, who feared it would block state chemicals programs. Vitter then worked with Sen. Tom Udall (D-NM) worked to revise the legislation, introducing a new draft on March 10. In addition to Vitter and Udall, the bill has the support of eight Democrats and eight Republicans (Inside EPA, March 13).

In response, Boxer and Sen. Edward Markey (D-MA) introduced a counter proposal March 12, with one co-sponsor, Sen. Bernie Sanders (I-VT). The bill does not allow any preemption of existing or future state toxics programs, and would sets a "safety standard" for EPA to review chemicals based on reasonable certainty of no harm, as opposed to the "unreasonable risk" standard in the Vitter-Udall bill, among other differences.

The hearing focused on the bipartisan measure S. 697 and marked the first time a top EPA official has made public comments on the merits -- and potential concerns -- with the latest bid to overhaul TSCA.

Jones during the hearing said that S. 697 would generally align with most of EPA's years-old principles for successful reform of the 1976 chemical safety law, and said it could improve the agency's ability to make timely decisions on chemicals, though EPA has not yet developed a formal position on the bill.

For example, in response to a question from Sen. Deb. Fischer (R-NE) on whether EPA would have the "bandwidth" to accomplish the chemical safety reviews in accordance with the time frames laid out in the bill, Jones said that the fee system that the bill would establish would give EPA sufficient resources to do so.

But Jones said in response to questions from Vitter that the agency has some concerns that language referring to regulating chemicals in articles -- which are completed products sold to consumers -- "may be a barrier to" the bill being consistent with the agency's TSCA reform principle from early in the administration that says, "EPA should have clear authority to take risk management actions when chemicals do not meet the safety standard."

The Vitter-Udall bill states, "If the Administrator intends to prohibit or otherwise restrict an article on the basis of a chemical substance contained in that article, the Administrator shall have evidence of significant exposure to the chemical substance from such article."

In response to a question from Markey on EPA's ability to regulate flame retardants under current TSCA, Jones expressed some concerns, saying, "This refers to the articles discussion," adding that the language could create a "fair amount of analytical burden" for EPA to assess chemicals already a component of a product.

Vitter said lawmakers were aware of EPA's concerns and believed they could come to an agreement on the issue.

Jones, speaking to Inside EPA after the hearing, said the agency would provide technical assistance or suggested language to revise the provision if asked.

The bill would also set for EPA to act on the new TSCA authority the legislation would create, such as requiring the agency to list at least 10 high-priority substances for safety assessment within one year of enactment. When Vitter asked Jones about the deadlines, the toxics chief said there is "some question with respect to the pace" reflecting concerns raised by Democrats that risk management decisions could take as long as 12 years under S. 697.

For example, in response to a question from Boxer, Jones acknowledged that the bill does not contain a deadline for EPA to implement a ban or other restriction on a chemical, and that the process could stretch "far longer" than the seven year time frame most agree would apply.

Jones' remarks reflect that EPA may be more likely to support the S. 697 bill than the previous Vitter-Lautenberg bill, S. 1009. During an April 29, 2014, House hearing, Jones said that legislation was enough out of alignment with the agency's 2009 principles that "if it were passed, the administration would probably have a problem with it."

Among other things, Jones in 2014 outlined concerns that the legislation as currently drafted would require EPA to conduct complicated cost-benefit analysis before taking action to restrict a chemical the agency deems unsafe, a major problem with current law -- a consideration that the new S. 697 bill seeks to address. The new revisions reflect that EPA must promulgate a rule establishing restrictions necessary to ensure a substance meets the safety standard, regardless of cost, but names cost as a factor in EPA's decision on what type of rule to promulgate.

Jones did not specifically weigh in on the new language other than to say in response to a question from Sen. John Barrasso (R-WY) that cost benefit analysis is "very important for regulation," but one of the difficulties under TSCA has been that benefits of chemical safety rules are often difficult to "monetize."

In a March 18 letter to Boxer, five former senior environmental officials weighed in, including former General Counsels Scott Fulton, Roger Martella and Donald Elliott, former EPA waste chief Marianne Horinko, and former Justice Department environmental chief Ron Tenpas, refuting the senator's attacks on the bill.

Specifically, the former officials say the "amended safety standard will provide EPA with greater authority to address potentially risky chemical substances in commerce," refuting remarks made in a March 16 letter from law professors saying the bill preserves the same "inadequate safety standard" in current TSCA.

At the hearing, Markey sought to address what he said would become a "regulatory black hole" if states are preempted from implementing regulations once EPA launches its safety assessment for a high priority chemical, asking witnesses on a second panel if the bill would be made stronger by removing that language.

Richard Denison, senior scientist with Environmental Defense Fund, answered that it would be stronger, if such a provision were to make it into law.

Preemption, however, appears to continue to be a major point of contention with the bipartisan bill. Jones agreed with Boxer that there appear to be "some ambiguity" in the language that could potentially jeopardize existing regulation of chemical releases under state laws aimed at regulating air and water quality.

Democrats highlighted two major concerns with S. 697's preemption language: that it would restrict states from enacting identical chemical management rules, and that it would block existing state rules when EPA launches a safety assessment for a chemical it deems "high-priority" under the prioritization scheme that the bill would establish. Opponents say the language would block states' ability to be "co-enforcers" of the law and would leave a potential seven-year regulatory gap until EPA issues a final rule during which no chemical restrictions would apply.

In response to a question from Booker on whether states should be "co-enforcers" of

toxics regulations Jones said that most environmental laws have a similar structure, and that he is "not aware it creates problems," and contributes to having "more cops on the beat" to enforce statutory requirements.

Meanwhile, representatives of several state attorneys general (AGs) and state environmental agencies protested the preemption provisions in S. 697 at a press briefing with Boxer and Markey March 17. Several of the officials described themselves as a first line of protection against exposure to chemical exposures, and questioned why the bill removes them from that role.

The attorneys general of Iowa, Maine, Maryland, New York, Oregon and Washington sent a joint March 16 letter to Boxer and Senate EPW Chairman James Inhofe (R-OK) outlining their concerns with the preemption provisions of S. 697. They offered their assistance to craft a bill that "would improve federal regulation of toxic chemicals while preserving the traditional and critical role of states in protecting the health and welfare of their citizens and natural resources." Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179825)

The Massachusetts attorney general wrote Markey a similar letter March 12, joining the concerns that the California attorney general addressed to Boxer in a March 5 letter. "[T]he issue of most pressing concern regarding the preemption language in the bill is timing: state requirements would be displaced long before any federal ones take effect," writes Massachusetts Attorney General Maura Healey.

Matthew Rodriquez, secretary of California's Environmental Protection Agency, wrote Boxer a March 17 letter providing his agency's analysis of S. 697, which he said "contains a series of preemption rules, exceptions to those rules, and exceptions to the exceptions, which contradict each other and potentially imperil state protections for clean air and water. ... These conflicts would support the argument that state action is forbidden, even though certain sections clearly allow such action, causing confusion in states over what is allowed."

Rodriquez argues that at a minimum, this confusion "would guarantee years of litigation by those intent on maximizing regulatory delay at the expense of the states' health-protective standards."

Rodriquez's critique extends beyond preemption to also address the bill's safety standard and "underfunding" EPA to assess and manage industrial chemicals while setting new requirements and deadlines.

Boxer several times during the hearing referenced letters from advocates, the state AGs, and others indicating that the bill would be "worse than current law." Still, she said the hearing identified several "areas for consensus" and that the bill could be improved upon. -- Bridget DiCosmo & Maria Hegstad

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News Headline: Our Federal Policy on the Use of Ethanol |

Outlet Full Name: New York Times, The
News Text: To the Editor:

Re "End the Ethanol Rip-Off," by Robert Bryce (Op-Ed, March 10):

The notion that the Renewable Fuel Standard is somehow a hidden tax is a strange assessment for a policy that is reducing costs for taxpayers and consumers. The fuel standard has lowered gas prices and reduced the enormous costs borne by relying on a single, volatile fuel source -- petroleum.

Contrary to Mr. Bryce's claims, blending 10 percent ethanol into gasoline has saved consumers roughly six cents per gallon since the bipartisan law passed in 2005. And thanks to the fuel standard, at least $47.2 billion worth of imported crude was displaced by clean, homegrown fuel in 2012, according to the Energy Department. With domestically produced ethanol in our fuel supply, America has significantly reduced the overall demand, and the corresponding cost of gasoline.

Far from a rip-off for motorists and taxpayers, the fuel standard is an economic payoff.

JERAMY SHAYS

Washington The writer is the director of transportation at the American Council on Renewable Energy.

To the Editor:

Robert Bryce wrote a superb article on the ethanol rip-off of the motoring public, but I was very surprised that he didn't say anything about E85 and E15.

Blends of 85 percent ethanol, called E85, are already on the market in areas of the country, meant to be used by "flex fuel" vehicles that are specially built to use such fuel. That means that the hidden tax is even more egregious for those owners who choose to avail themselves of this fuel.

However, plans for the widespread sale of E15 (50 percent higher ethanol concentration than the currently ubiquitous E10) for ordinary vehicles are also in the works. Beyond what Mr. Bryce noted for E10 as damaging to small engines, research by the Environmental Protection Agency and others has shown that E15 can cause severe detrimental effects on older vehicles as well as power boats.

Most damning about these ethanol blends is that their production from corn uses more fuel than they save, despite the false initial premise that it was meant to make us less dependent on foreign oil.

Other countries (such as Brazil) use sugar cane, a plant that grows fast and can be converted to ethanol easier and therefore with less energy than the ethanol provides, providing an energy profit. But here in the United States we have chosen corn, for dubious reasons, which has a negative energy profit. So why are we still using corn-based ethanol blends, except for the profit of our corn industry?

KENNETH CROSSNER

Somerset, N.J.

To the Editor:

Robert Bryce's calculations of the "cost" of the Renewable Fuel Standard are at odds with the fact that even without the standard, approximately the same amount of ethanol would be blended into the fuel supply to meet octane requirements.

Eliminating the fuel standard won't save consumers money, and it won't address problems caused by corn ethanol. Without the standard, though, we'd see a real risk to investment in advanced biofuels -- cleaner, nonfood alternatives coming on line now that address the shortcomings not just of corn ethanol, but more significantly of oil itself.

As the new Oil Climate Index released by the Carnegie Endowment highlights, we need to move quickly to tomorrow's fuels. Oil is getting dirtier every year, and the country will not be well served by complacency bred of a temporary dip in gas prices.

JEREMY MARTIN

Washington The writer is a senior scientist with the Clean Vehicles Program of the Union of Concerned Scientists.

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News Headline: Obama's Order to Reduce Greenhouse Gas Emissions of Federal Government |

Outlet Full Name: New York Times, The
News Text: WASHINGTON -- President Obama signed an executive order on Thursday to set new goals for reducing the greenhouse gas emissions of federal agencies, his latest use of his executive authority to address the root causes of

climate change and press private companies and foreign governments to follow suit.

Mr. Obama's directive orders federal agencies over the next decade to cut their emissions by an average of 40 percent compared with their levels when he won office in 2008, and to increase their use of electricity from renewable sources by 30 percent.

The goals are in line with a commitment that he announced in November as part of a climate agreement with China. In the deal, Mr. Obama said the United States would reduce its emissions of the heat-trapping gases that are warming the planet by 26 percent to 28 percent below 2005 levels by 2025.

They are also part of Mr. Obama's effort during his last two years in office to use an expansive interpretation of his presidential authority to push ahead with unilateral moves to combat climate change in the face of strong opposition from the Republican-controlled Congress to advancing legislation that would do so.

"We're proving that it is possible to grow our economy robustly while at the same time doing the right thing for our environment and tackling climate change in a serious way," Mr. Obama said during a visit to the Energy Department on Thursday to announce the order. "America once again is going to be leading by example."

The federal government's share of greenhouse gas emissions in the United States is minuscule -- less than 1 percent in 2013, the last year for which data is available -- so the order by itself is unlikely to make a major dent in the president's broader goals to cut emissions.

But because the federal government is the largest user of energy in the United States economy -- encompassing 360,000 buildings, 650,000 fleet vehicles and $445 billion in annual spending on goods and services -- it has the potential to influence private companies to step up their emissions-cutting targets.

In conjunction with the executive order, the Obama administration released a new scorecard to allow federal suppliers to disclose their emissions and track their reductions. Several large companies that do business with the federal government -- including I.B.M., General Electric, Honeywell and Northrop Grumman -- announced new emissions-cutting goals of their own.

"As we get economies of scale, and demand for solar and wind and other renewable energies grows, obviously that can help drive down the overall price, make it that much for efficient, and we start getting a virtuous cycle that is good for the economy and creates jobs here in America," Mr. Obama said after touring the Energy Department's solar-paneled rooftop.

At a round table with representatives of some of the private corporations taking part, Mr. Obama praised the companies for stepping up with new or enhanced emissions-

cutting targets.

"You guys have done an outstanding job," he said. "Because of the prominence of many of the companies here, and the fact that they've got a whole bunch of suppliers up and down the chain, what you do with respect to energy efficiency is going to have a ripple effect throughout the economy."

Mr. Obama's directive extends a goal he set during his first year in office, when he signed an executive order to cut federal greenhouse gas emissions by 28 percent by 2020.

Since then, said Christy Goldfuss, the managing director at the White House Council on Environmental Quality, federal agencies have reduced their emissions by 17 percent, and increased, to 9 percent from 3 percent, the share of electricity they consume from renewable sources.

White House officials, who are increasingly describing Mr. Obama's environmental agenda in economic terms, estimated that the directive issued on Thursday could save up to $18 billion over the next decade by cutting down on wasted energy.

"For federal agencies who are looking at how to cover their energy needs, this is a very pragmatic dollars-and-cents issue," said Brian Deese, a senior adviser to Mr. Obama. "If they can consume less energy or they can consume renewable energy that is cheaper, more reliable or more sustainable, then they can achieve their environmental goals while they are saving money."

Having failed during his first term to push a cap-and-trade bill through Congress, Mr. Obama has undertaken a systematic effort to regulate pollution through the existing Clean Air Act, advancing new rules on emissions from cars and trucks, power plants and oil and gas wells.

Mr. Obama has also laid out an ambitious overall emissions-cutting goal for the United States ahead of a United Nations climate conference in December in Paris, and is expected by the end of the month to release his detailed plan for reaching those targets.

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News Headline: The surprising reason why some people become environmentalists -- and others don't |

Outlet Full Name: Washington Post - Online, The
News Text: The environment — and especially the subject of climate change...

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News Headline: Scientists say Arctic sea ice just hit a disturbing new winter record |

Outlet Full Name: Washington Post - Online, The
News Text: ...generations. [The remote Alaskan village that needs to be relocated due to climate change] On February 25, Arctic sea ice extent stood at...

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News Headline: Polluted skies over Paris push officials to take action |

Outlet Full Name: Washington Post - Online, The
News Text: ...Paris officials are seeking drastic measures to combat an alarming spike in air pollution that has turned the city's skies a murky gray. Mayor Anne Hidalgo...

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News Headline: Obama orders cut in greenhouse gases |

Outlet Full Name: Washington Post, The
News Text: President Obama signed an executive order Thursday directing the federal government to cut its greenhouse-gas emissions by 40 percent from 2008 levels over the next decade, and to increase the share of renewable energy in the government's electricity supply to 30 percent over the same period.

Simultaneously, federal suppliers including IBM, General Electric, Honeywell and United Technologies are pledging to reduce their carbon emissions by 5 million metric tons over the next 10 years, compared with 2008 levels. Taken together, the government and private-sector proposals would cut overall U.S. emissions by 26 million tons by 2025, the equivalent of taking nearly 5.5 million cars off the road for a year.

Speaking to reporters Thursday at the Energy Department. Obama said, "America once again is going to be leading by example." He also argued that climate and economic policy do not need to be in conflict.

"We're proving that it is possible to grow our economy robustly while at the same time doing the right thing for our environment and tackling climate change in a serious way," he said.

White House senior adviser Brian Deese estimated the new measures will save $18 billion; the federal government has already cut its overall emissions 17 percent since

Obama took office, saving $1.8 billion - mainly through reduced energy use in federal buildings.

The move came on the same day the president met with Britain's Prince Charles - a prominent environmentalist and an advocate of efforts to counter climate change - and his wife, the Duchess of Cornwall, in the Oval Office. Obama and Charles were slated to discuss the two nations' efforts to address global warming, encourage corporate social responsibility, create opportunities for young people, and preserve historical and cultural ties.

The executive order detailed how the government will meet the new climate target. It will include reducing energy use in federal buildings by 2.5 percent per year between 2015 and 2025, instructing agencies to obtain 25 percent of their energy from carbon-free sources by 2025, and increasing the carbon-per-mile efficiency of federal fleets 30 percent from 2014 levels over the next decade while increasing the percentage of zero-emission and plug-in hybrid vehicles in federal fleets. It also requires formal climate training for some federal personnel.

After signing the executive order at the White House, Obama toured the Energy Department's rooftop solar panels and attended a roundtable there where some federal suppliers discussed their new climate commitments. The companies will publicly disclose how closely they are meeting these greenhouse-gas-reduction pledges over time.

The federal government is the largest energy consumer in the United States - with the military accounting for roughly half of its total energy use - though its greenhouse-gas emissions were only 0.6 percent of the nation's total output in 2013, according to federal data. Still, Christy Goldfuss, acting director of the White House Council on Environmental Quality, said federal actions can have a huge impact given the reach and the scope of the government's supply chain.

"President Obama has made it clear that climate change is an all-hands-on-deck challenge," Goldfuss said, noting the federal portfolio boasts 360,000 buildings, 650,000 fleet vehicles and $445 billion in spending on goods and services.

While the federal government met the climate target Obama set out in his first term relatively easily, it has faced challenges in reducing greenhouse-gas emissions in some areas. The 2007 Energy Independence and Security Act dictated that all new federal buildings and those undergoing major renovations use fossil-fuel-free energy by 2030. The Energy Department has been slow to implement the rule, and a bipartisan coalition in the Senate is seeking to roll back the measure.

In October, the Energy Department put out guidance that keeps the target in place but allows for exceptions, including an exemption if an agency determines that it is not practical to meet it.

Dave McCurdy, president and chief executive of the American Gas Association, said in a statement that while his group supports efforts to address climate change, the government shouldn't make it harder for Americans to use natural gas.

"We have repeatedly reminded this administration about the benefits of direct use of clean natural gas in homes and businesses," McCurdy said.

Republicans declined to comment on the new initiative, though Senate Majority Leader Mitch McConnell (R-Ky.) made it clear Thursday that he hopes to block a key part of the president's climate agenda. McConnell sent a letter to all 50 governors urging them not to comply with the Environmental Protection Agency's proposed carbon limits on existing power plants.

Meanwhile, the Center for American Progress, a liberal think tank, issued a report Thursday finding that greenhouse-gas emissions generated by gas, oil and coal extracted from federal lands and waters accounts for one-fifth of the nation's total carbon output.

The group - which is usually supportive of the administration and employed both Deese and Goldfuss before they joined the White House - called the emissions "a blind spot in U.S. efforts to address climate change."

juliet.eilperin@washpost.com

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News Headline: Vermont House panel seeks $8 million for water cleanup |

Outlet Full Name: Advocate - Online, The
News Text: ...response to a call by Gov. Peter Shumlin in his inaugural address to tackle water quality problems, particularly in Lake Champlain and its tributaries....

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News Headline: Vermont House panel seeks $8 million for water cleanup |

Outlet Full Name: Associated Press (AP)
News Text: MONTPELIER, Vt. (AP) - The tax-writing committee in the Vermont house has passed a bill that would raise and spend $8.1 million on cleaning up the state's lakes and streams.

The move comes in response to a call by Gov. Peter Shumlin in his inaugural address to tackle water quality problems, particularly in Lake Champlain and its tributaries.

Vermont is under pressure to come up with new limits on pollution flowing into the lake by mandate that sets a total maximum daily load. If the state fails to do so, it's expected the federal Environmental Protection Agency will step in and demand more expensive solutions.

The House Ways and Means Committee is calling for raising the state property transfer tax by one fifth of 1 percent, along with new fees on farms.

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News Headline: Md. Senate set to vote on stormwater management bill |

Outlet Full Name: Associated Press (AP)
News Text: ANNAPOLIS, Md. (AP) - The Maryland Senate is nearing a vote on ending state-mandated stormwater management fees.

A vote could come Friday on the bill, which is sponsored by Senate President Thomas V. Mike Miller.

Currently nine counties and the city of Baltimore pay the fees, which critics call the "rain tax."

The bill would not require counties to charge a fee to meet federal stormwater requirements to clean up pollution in the Chesapeake Bay. However, they would have to show they can meet the requirements.

Gov. Larry Hogan had proposed his own repeal of the fees, but the bill was defeated by House and Senate committees. The Republican governor has said he's not concerned whose name is on the bill, just so long as the fees are no longer mandated by the state.

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News Headline: Cleanup plan for W.Va. chemical spill site to be outlined |

Outlet Full Name: Associated Press (AP)
News Text: CHARLESTON, W.Va. (AP) - The public will learn next week about plans to clean up a chemical storage site on the Elk River that was the source of a public water crisis in West Virginia.

The Tuesday meeting in Charleston will include consultants from Freedom Industries and officials from the state Department of Environmental Protection. They'll explain plans under the department's voluntary industrial remediation program.

The Charleston Gazette (http://bit.ly/1FKGSet) reports that the meeting comes amid a deadline for Freedom to reach agreement with the state on the next step in the cleanup. The company also has to explain its plan for completing its bankruptcy case, resolving millions of dollars in claims.

The January 2014 chemical spill spurred a tap-water ban for 300,000 people for days.

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News Headline: DISTRICT COURT REVERSES FOX RIVER LIABILITY FOLLOWING 7TH CIRCUIT DECISION |

Outlet Full Name: Inside EPA Weekly Report
News Text: Responding to a September appellate ruling, a federal district court has reversed its 2011 decision that cleared a potentially responsible party (PRP) from liability for a portion of the massive Fox River, WI, sediment cleanup site, finding the PRP cannot limit its liability on the grounds that it did not cause the contamination in that portion of the river.

Under the March 3 ruling by the U.S. District Court for the Eastern District of Wisconsin in Appvion, Inc. and NCR Corp. v. P.H. Glatfelter Co., et al., NCR can no longer make the argument that it is not liable because it did not contribute to the Fox River site's operable unit (OU) 1, says a hazardous waste law attorney. While several rulings have held that a site cannot be divided into multiple facilities to limit a PRP's liability, the September ruling from the U.S. Court of Appeals for the 7th Circuit appears to be the first to make the point that a party cannot divide up a site by operable unit for the purposes of liability, hazardous waste law attorney Marc Zeppetello said in an interview. The district court decision is available on InsideEPA.com. See page 2 for details. (Doc. ID: 179670)

The 7th Circuit, however, did note that operable unit designations may be relevant to a divisibility defense under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA), which could lend support to PRPs in other, future cases where the government is seeking cost recovery, he said. While NCR can no longer make that contention here, it could argue during the contribution aspect of the case -- which has been remanded to the district court -- "that while it is technically liable, its equitable share of OU1 costs should be zero because it did not contribute to any contamination in that operable unit," he said.

Originally, in its 2011 decision, the district court had held NCR was not liable for cleanup costs related to OU1 because its facilities were downstream from the unit and could not have contributed to OU1's contamination.

The case involves the cleanup of contaminated sediment stemming from paper mill

discharges of polychlorinated biphenyls (PCBs) into Wisconsin's Lower Fox River. Litigants NCR and Glatfelter are PRPs because they or their predecessors discharged wastewater containing PCBs from paper mills into the river for decades, the 7th Circuit says.

The 7th Circuit in a Sept. 25 ruling in United States v. P.H. Glatfelter Company, et al. rejected an argument made by Glatfelter that discharges from its facility at OU1 had not been in sufficient quantities to justify holding it liable for contamination in OU4, a location much further downstream. The 7th Circuit used the so-called "one site" theory, saying Glatfelter's argument "goes astray" by assuming that "the government must prove all of the elements of liability in relation to each operable unit of the Site." The law does not require that, it says.

Rather, the appellate court found that once a party is determined to be responsible for a release from a facility which causes response costs, that party is liable for "all costs of removal or remedial action incurred" by the government.

As a result, the 7th Circuit court "rejected Glatfelter's argument that the government needed to prove the connection between its releases in OU1 and response costs in OU4. It was enough that Glatfelter released the PCBs at the Site and that there were response costs incurred at that Site," the district court says in its March 3 ruling.

The 7th Circuit found that it would be inconsistent with Superfund's National Contingency Plan (NCP) to treat one operable unit as a separate site for which the federal government must establish liability. The NCP defines an OU "as 'a discrete action that comprises an incremental step toward comprehensively addressing site problems,'" the 7th Circuit wrote. "To put simply, operable units are not separate sites; thus they do not determine the extent of a party's liability," it wrote.

"Based on the Seventh Circuit's ruling, Glatfelter now argues that what's good for the goose is good for the gander: if Glatfelter must be held liable for the entire Site--regardless of causation--then so must NCR," the district court now says. "NCR had argued that it could not be liable for OU1 because it did not cause response costs in OU1," it says.

"But since we now know that causation is not properly part of the analysis, Glatfelter contends, that doesn't matter. It is enough that NCR released PCBs at the Site, which clearly it did," the district court says.

The court says Glatfelter's motion for reconsideration overcomes procedural issues that typically would bar reconsideration as this "is not a typical case."

"Given the complexity of the issues raised, as well as the underlying uncertainty of CERCLA law, a court should not be over-eager to strictly apply procedural rules that bar arguments, particularly arguments that now seem viable," it says.

"[T]he Seventh Circuit very clearly de-linked the need for parties to prove causation with respect to each operable unit of a Site, and preventing Glatfelter from making that argument now could work a manifest injustice because it would mean the parties are not playing on a level playing field. The law should not be one thing for one party and another for a second party, especially within the confines of a single action."

As a result, the court says it grants the motion for reconsideration and finds that "NCR is liable for OU1 because it released PCBs at the Lower Fox River Site."

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News Headline: STATES BACK HOUSE COAL ASH BILL BUT DEMOCRATS SEEK STRICTER PROTECTIONS |

Outlet Full Name: Inside EPA Weekly Report
News Text: State regulators are backing House Republicans' draft bill to overhaul parts of EPA's final coal ash waste disposal rule because it would give states primary authority to craft and enforce disposal standards, but Democrats are pushing back against what they see as a substantial weakening of the EPA rule's technical disposal requirements.

"The draft bill has successfully captured the essential parts of the EPA rule on [coal ash] management that are germane to the protection of the environment and public health, and has modified or added those areas that improve upon the rule," Pennsylvania waste management head Michael Forbeck, president of the Association of State and Territorial Solid Waste Management Officials (ASTSWMO), said in his testimony at a March 18 House hearing on the measure. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179824)

Virginia Department of Environmental Quality head David Paylor -- on behalf of the Environmental Council of the States (ECOS), representing many state environmental agencies -- also backed the draft. "ECOS has reviewed the draft bill, and find[s] that it positively addresses the concerns identified by ECOS" at past hearings on the issue, he told the hearing hosted by the House Energy & Commerce Committee's energy and environment panel.

The draft bill by Rep. David McKinley (R-WV) aims to replace EPA's final rule governing disposal of coal ash -- which the agency signed in December but has yet to publish in the Federal Register -- with a regime administered by states. It would also underscore EPA's decision to regulate ash as a Resource Conservation & Recovery Act (RCRA) subtitle D solid waste by barring any future regulation of ash as a subtitle C hazardous waste.

State and industry concerns over EPA's rule have mainly focused on enforcement.

Prior to the rule's finalization, they had urged the agency to apply a regime where states would have primary authority to craft and implement RCRA subtitle D coal ash standards subject to federal review and approval of their policies.

EPA instead opted for a system of national standards enforced through citizen suits in federal courts. Critics of the rule have argued that the agency's plan will lead to conflicting or redundant federal and state requirements.

Under the agency's final rule, "It is certainly possible that some states would adopt their own [coal ash] standards. There would not be a permitting mechanism, however, and they would be subject to a one-size-fits-all situation. There might be some spotty enforcement by states, but as a whole the one-size-fits-all approach would in fact leave citizen suits as the primary mechanism" for enforcing the rule, Virginia's Paylor said in response to a question from Rep. Frank Pallone (D-NJ), the House energy panel environment subcommittee's ranking member.

An ASTSWMO source says states that already enforce RCRA subtitle D rules will be able to add coal ash to their programs without needing to craft a new enforcement regime "from the ground up," easing potential resource concerns over a new statutory mandate. "It's a continuation of the enforcement they already do."

The White House is yet to weigh in on the draft legislation, though EPA waste chief Mathy Stanislaus at a Jan. 22 House energy panel environment subcommittee downplayed the need for legislation to address what GOP lawmakers say is uncertainty over whether the agency may revisit its decision that ash is not a hazardous waste and fears that some provisions of the rule make operators vulnerable to citizen suit enforcement (Inside EPA, Jan. 30).

Although previous attempts to move coal ash legislation in the 113th Congress failed to clear the then-Democratic Senate, the White House never threatened a veto of the bill. Instead, the administration suggested changes to the bill to win its support, raising the prospects that it could seek similar conditions for backing the new bill.

While states' support for the draft bill could boost its prospects for Congress approving the measure, some Democrats are outlining early concerns with the bill as it was released March 11 (Inside EPA, March 13).

At the March 18 environment subcommittee hearing, Pallone and other Democrats on the panel argued that in addition to concerns that EPA might not be able to exercise strict oversight of state programs, McKinley's draft bill would be significantly weaker than the federal rule in other ways, such as by lengthening compliance deadlines and removing some of the regulation's siting restrictions for coal ash impoundments.

"[N]ecessary health protections included in EPA's final rule are left to state discretion or left out entirely. Groundwater monitoring and protection, closure

requirements, cleanup requirements -- all could be weaker under this bill than under the final rule. If anything, we should be strengthening the protections in the final rule, not weakening them," Pallone said in his opening statement.

Pallone and other Democrats echoed claims raised by environmentalists after the draft bill was released that it would not include a standard for EPA to apply in reviewing state coal ash standards, unlike the disposal rule which requires state-crafted standards to show "no reasonable probability of adverse effects on health or the environment from disposal" of the waste.

Earthjustice attorney Lisa Evans reiterated that argument at the hearing, saying in response to a question from full House energy committee ranking member Rep. Paul Tonko (D-NY) that the bill would include "no standard of protection" binding on states, and that it would allow states to redefine key metrics like facilities' level of potential "hazard" in their rules.

However, defenders of the bill countered that states would have to show a "reasonable basis" for any such changes. "The states have programs already -- what this legislation will do is enforce a floor, and in order to deviate from that floor you have to show a reasonable basis for your decision," Jim Roewer, the executive director of the Utility Solid Waste Activities Group (USWAG) -- who represented USWAG, the Edison Electric Institute and the American Public Power Association at the hearing -- told Inside EPA in a March 18 interview.

EPA's rule regulates ash as a solid waste under subtitle D of RCRA, as industry and states sought. That move rejected calls from environmentalists for regulation as hazardous waste under RCRA subtitle C that they argued would lead to stricter disposal controls, though industry said solid waste rules are just as protective as subtitle C.

McKinley's draft echoes much of the content of legislation he unsuccessfully pushed in 2013 that would generally apply subtitle D solid waste standards for coal ash, but under a new enforcement track where states would craft standards for ash disposal that would be reviewed and approved by EPA, without citizen suit provisions, and would prevent EPA from revisiting the subtitle D designation in the future. -- David LaRoss

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News Headline: EPA AGREES TO 2016 DEADLINE FOR DECISION ON RCRA CORROSIVITY STANDARD |

Outlet Full Name: Inside EPA Weekly Report
News Text: Under a joint motion adopted by a federal appellate court March 13, EPA has agreed to meet a March 2016 deadline for making a decision on whether it

will tighten hazardous waste listing criteria for corrosivity under federal waste law, as requested by a whistleblower group.

The U.S. Court of Appeals for the District of Columbia Circuit March 13 in In Re Cate Jenkins, et al. v. EPA granted a joint motion by Public Employees for Environmental Responsibility (PEER), which often represents government whistleblowers, and EPA to stay for one year proceedings in a lawsuit filed by PEER. The group last September asked the court to force the agency to respond to its three-year-old petition asking EPA to tighten corrosive dust limits under the Resource Conservation & Recovery Act (RCRA). Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179706)

Under the motion, EPA has agreed to file a response in the Federal Register by March 31, 2016, to the group's petition, either putting forward an advance notice of proposed rulemaking, releasing a proposed rule or issuing a tentative decision to deny the petition, PEER says in a March 16 press release. But if EPA decides against revising its corrosive dust safety limits, "it will be vulnerable to another suit that this decision lacks a rational basis," the group warns.

"EPA can no longer hide from this serious public health concern, it finally has to act," PEER Senior Counsel Paula Dinerstein said in the release. "Getting agencies like EPA to admit they have been wrong, especially when many people have died as a result, is no small undertaking."

At issue is a 35-year-old regulation that PEER says is 10 times less stringent than the presumed safe levels set for alkaline corrosives by the United Nations, European Union and Canada. The group says the too-lenient pH levels for corrosivity were noticed in the aftermath of the Sept. 11, 2001, World Trade Center attacks when first responders suffered severe, permanent and in some instances fatal effects due to exposure to corrosive dust at the World Trade Center site. In addition to first responders, the standard affects exposures to the public at hazardous waste release sites, and exposures to materials transported on highways, rail and by air subject to Transportation Department regulations, according to the group.

PEER wants the agency to amend the hazardous waste listing criteria for corrosivity, and filed a petition with the agency to do so more than three years ago, according to court documents. The group alleges EPA's current standard is due to either negligent error or outright fraud.

The current alkaline corrosivity standard subjects substances to hazardous waste regulation under RCRA if they have a pH equal to or less than 2 -- meaning highly acidic -- or equal to or greater than 12.5, meaning highly alkaline. In determining the upper end of that standard, the agency "falsely" relied on World Health Organization (WHO) findings, arguing that WHO only found human eye tissue impacts at pH levels above 11.5, PEER says. EPA justified its 12.5 level "by claiming that that level would not compromise human health because although eye tissue is damaged at

levels above 11.5, skin tissue is not," PEER says in its Sept 9, 2014, petition to the court for writ of mandamus. It notes that 11.5 is 10 times less corrosive than 12.5.

Further, it says WHO has said that both eye and skin damage occur at 11.5 or above. "EPA's selection of a pH of 12.5 as the standard appears to come out of nowhere, and has no claimed scientific support," the mandamus petition says.

The group also contends that the agency should reverse an exemption under the corrosivity standard for non-aqueous corrosive materials. "The standard overlooks the fact that water-free alkaline materials quickly absorb water from body tissues, particularly the respiratory tract, on human contact," PEER says in the press release. "This can result in irreversible chemical burns, particularly after inhalation." Further, the current standards fail to recognize that corrosive dust kills or immobilizes ciliary cells that line the throat and upper respiratory tract, which permits other toxics to travel deep inside the lungs, PEER says in the release.

The group cites impacts from the standards beyond emergency response, noting that corrosive dust is often emitted during building demolition and in cement truck accidents, and that the standard is used to evaluate risks to members of the public who live around cement manufacturing plants for possible regulation under RCRA. Also, the standard was incorporated into the List of Hazardous Substances under the Comprehensive Environmental Response, Compensation & Liability Act (CERCLA) amendments to the National Contingency Plan (NCP), the regulatory blueprint for CERCLA. This list "is used as the benchmark[] for first responders and the public at all hazardous release sites, pursuant to the NCP," the group says in the mandamus petition.

The court is directing EPA to provide it with status reports every 120 days starting July 13. -- Suzanne Yohannan

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News Headline: US Interior Secretary to talk on flood resiliency, climate |

Outlet Full Name: Advocate - Online, The
News Text: ...Friday at the Leahy Center Environmental Summit. The theme of the summit is "Climate Change Resilient, Floodwater Smart." The goal of the two-day...

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News Headline: Obama to order gov't to cut its greenhouse gas emissions |

Outlet Full Name: Associated Press Online
News Text: ...(AP) — President Barack Obama is directing the federal government

to cut its emissions of heat-trapping gases blamed for global warming....

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News Headline: 'Merchants' raises the doubt of climate change |

Outlet Full Name: Boston Globe - Online
News Text: ...about those pulling off the biggest scam of the past 40 years — the debate over climate change. Not the scientists whose research confirms the phenomenon's...

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News Headline: Obama Orders Cuts to Federal Greenhouse Gas Emissions |

Outlet Full Name: Boston.com
News Text: ...Thursday that sets a goal for the U.S. government to cut its greenhouse gas emissions by 40 percent by 2025, the White House said on Thursday. ...

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News Headline: Millions Face Floods from climate change |

Outlet Full Name: EDGE
News Text: ...frequent cyclones, according to the report from the Intergovernmental Panel on Climate Change, a United Nations network of scientists. Island economies...

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News Headline: Obama Orders Cuts in Federal Greenhouse Gas Emissions |

Outlet Full Name: New York Times - Online, The
News Text: ...executive order represents the latest use of presidential power to address climate change as Congress resists passing legislation.

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News Headline: Obama sets emission cut goals for government |

Outlet Full Name: USA Today - Online
News Text: ...— President Obama ordered the federal government Thursday to cut

greenhouse emissions by 40% over the next decade, and said he hopes private businesses...

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Secret Service video Much of the footage of a driving incident involving two agents at the White House ha |

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News Text: Reducing emissions President Obama ordered a cut in greenhouse gases, and data showed that Arctic sea ice hit a new low. A3

Secret Service video Much of the footage of a driving incident involving two agents at the White House has been erased. A5

the nation The head of U.S. cyber defense told lawmakers that it is time to consider boosting the military's cyber-offensive capability. A14

President Obama is expected to deliver the fourth veto of his presidency after Congress passed legislation overturning new union election rules. A6

Possible presidential candidate Martin O'Malley returns to Iowa on Friday, hoping to reap the reward of investments that he has made there. A7the world Michelle Obama was in Japan to promote a new focus on girls' education in developing countries. A8

An airport attack and airstrikes on the president's palace escalated violence in Yemen. A8

A U.S. surveillance drone believed shot down in Syria was in airspace over President Bashar al-Assad's power base, officials said. A6the economy Observers are criticizing the marketing by Starbucks of founder Howard Schultz as a thought leader on race relations. A13

FedBid, whose suspension from receiving new federal contracts was recently lifted, came under fire during a congressional hearing. A12

The IRS said it will work with state tax authorities and companies such as TurboTax and H&R Block to reduce fraud during the next tax-filing season. A13health The U.S. tuberculosis rate fell slightly in 2014, but thousands were still affected, with most cases likely coming from abroad. A3the region A deaf man said he was held at the Arlington jail for six weeks without access to a sign-language interpreter. B1

A couple who left their toddlers alone in a car while they attended a wine tasting in Georgetown pleaded guilty. B1

Defense attorneys requested time to study a competence report on Charles Severance, charged with three killings in Alexandria. B2

A D.C. official vowed to find out why the nearest paramedics weren't sent to aid a choking toddler, who died. B4

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Outlet Full Name: Advocate - Online, The
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Outlet Full Name: Middletown Press
News Text: All the details haven't been worked out yet, but Department of Energy and Environment Protection Commissioner Rob Klee said those who use Connecticut's...

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News Headline: German Green Party Leader Ozdemir Calls on Turkey to Recognize Genocide |

Outlet Full Name: Armenian Mirror-Spectator - Online
News Text: ...had to meet with the president. On the other side I think we can help with renewable energy. Germany has extensive experience in that. In particular...

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News Headline: KOPOCIS ASSURES CRITICS EPA REMAINS COMMITTED TO PUBLIC WATER FUNDING |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA's de facto water chief Ken Kopocis is assuring critics of the

agency's new water infrastructure funding initiatives that EPA remains committed to existing public funding mechanisms, telling state officials that a new water finance center will focus on more than bringing in private sector dollars for projects and that a new loan program would not supplant the state revolving funds (SRF).

"This center is to explore innovative new ways of providing financing. I know when people hear that they think public-private partnerships (P3s). That is one way to bring money to the table, but it's not the only way," Kopocis told members of the water committee at the Environmental Council of the States' (ECOS) spring meeting in Washington, D.C., March 16.

"We only want to use it as a resource to tee off of the highly successful SRF program," Kopocis said, adding that EPA is currently staffing the center and hopes to get it up and running this year.

His comments, which shed new details on the center announced by Vice President Joe Biden and EPA Administrator Gina McCarthy in January, come as water utilities from both drinking and wastewater systems have expressed fears that the new center -- as well as EPA's fiscal year 2016 proposal to expand P3s -- is a push to justify paring back SRFs.

President Obama's proposed FY16 budget would cut $53 million from the SRFs overall, but would boost the drinking water SRF by $279 million over current funding levels. In addition, the proposal includes a request for $5 million "to begin developing the information necessary to lay the groundwork" to implement the Water Infrastructure Finance and Innovation Act (WIFIA). Congress in 2014 authorized WIFIA, a five-year pilot program that would give low-interest loans to entities for large water and wastewater projects, but did not appropriate funds for it (Inside EPA, Feb. 6).

Water utilities have criticized EPA's new infrastructure funding efforts, raising concerns the finance center and WIFIA will result in less funding for the SRFs.

"EPA's Water Infrastructure Resiliency Finance Center has no statutory basis and was recently created to focus on public-private partnerships and preparation for implementing WIFIA, all at the expense of the [clean water] and [drinking water] SRF programs," a February 2015 fact sheet from drinking and wastewater utilities says.

But Kopocis said the center would look at climate resiliency, energy efficiency, water reuse and green infrastructure as "ways to help communities maximize their return on investment in their infrastructure."

The Obama administration announced the center Jan. 16 as part of its Build America infrastructure investment initiative. According to a White House fact sheet, the center will aim to help municipal and state governments use federal grants to attract

more private capital into projects, including the use of a new type of bond -- qualified public infrastructure bond (QPIB) -- that private entities can use to fund infrastructure projects for municipalities (Inside EPA, Jan. 23).

Environmental and labor groups have long opposed the use of P3s as well as such bonds to finance projects, arguing that allowing the bonds to be distributed to private entities constitutes a subsidy. The administration has said the QPIB program will "expand the scope" of already utilized tax-exempt private activity bonds (PABs), but P3 opponents say that both PABs and QPIBs end up increasing the cost of infrastructure projects because they fail to account for the amount a municipality must spend on the equity involved in private finance projects. They also argue that QPIBs will also be exempt from the alternative minimum income tax, creating new tax breaks for investors.

"The plan seeks to pave the way for big Wall Street firms and foreign water corporations to take control of our essential water resources. These misguided proposals will not benefit the average American, or our public water utilities," Food & Water Watch said in a statement following the White House's Jan. 16 announcement. (Inside EPA, Jan. 30).

But Kopocis said the center was "not about replacing federal funding . . . we're not looking to shrink the pie or simply cut it into smaller pieces; we want to make sure we can grow investments because if we don't, we're just shifting money from one pocket to another."

He said EPA particularly wants the center to help communities find ways to fund stormwater projects, with an emphasis on small communities frequently lacking technical resources and expertise to seek out alternative funding sources.

"We know that large communities can take care of themselves, but small and medium-sized communities, when they look at financing, they often look and see nothing," Kopocis said, adding that EPA would consult with its Environmental Finance Advisory Board and was also working with the Agriculture, Treasury, Housing and Urban Development and Commerce departments to "help us look at ways to provide financing" through the center.

One wastewater industry source told Inside EPA that although EPA had not provided many details on standing up the center, the center and the new QPIB bond in particular came as a surprise. But, the source adds, giving the issue of infrastructure funding a higher profile "is a good thing," and the new center is not necessarily an impediment.

Kopocis also told the ECOS water committee that the agency was excited about WIFIA following stakeholder meetings on the program, which state groups have long criticized as putting SRFs in jeopardy and favoring only large infrastructure projects.

Under WIFIA's authorizing statute, included in the Army Corps of Engineers authorization bill passed in 2014, EPA can spend up to $20 million a year on the program, which generally authorizes EPA and the Army Corps of Engineers to provide direct, low-interest loans to large municipalities for a host of water infrastructure projects. EPA has sought to fast-track the program's implementation despite the lack of appropriations. Congress has only approved $2.2 million in FY15 for the program's administrative costs.

Kopocis reassured ECOS' water committee that WIFIA would not supplant SRFs and loans would be open to small projects. During listening sessions with stakeholders last year, EPA said it would give states a "right of first refusal" for projects to use SRF money instead of WIFIA funds and that SRFs could be commingled with WIFIA.

"Should Congress choose to fund it, we feel that we will be ready to go," Kopocis said. "It has a number of requirements associated with it, such as how much of a percentage can be provided [by EPA], but the types of projects are basically the same as in an SRF program, we want to enhance our work with the SRF program."

When pressed by one ECOS water committee member as to why WIFIA was necessary in lieu of a boost to SRFs, Kopocis pointed to "the way it scores, from a federal budget standpoint."

"Part of the reason that the WIFIA program has appealed up in Congress is that it does not require a dollar per dollar expenditure for us to provide" assistance, he said.

Following Kopocis' comments, an ECOS source told Inside EPA that WIFIA still "will be most attractive to big projects . . . that was the intention." But the authorization bill's allowance of commingling -- allowing smaller projects to group together to apply to WIFIA funds -- assuages those concerns, the source says. -- Amanda Palleschi

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News Headline: EAB SCRAPS LANDMARK TSCA PENALTY BUT REJECTS ENFORCEMENT TIME LIMIT |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA's Environmental Appeals Board (EAB) has scrapped the agency's landmark $2.5 million penalty against a chemical company for an alleged violation of Toxic Substances Control Act (TSCA) reporting rules, but EAB is backing EPA's position that some reporting violations are "continuing" and not subject to a statute of limitations.

The board's March 13 decision therefore gives wins to both the company Elementis Chromium Inc. -- which said EPA guidelines were so ambiguous as to make the company's TSCA reporting obligations unclear -- by reversing the penalty, and to the agency which could cite the ruling in future enforcement actions over years-old reporting violations. The decision is available on InsideEPA.com. See page 2 for details. (Doc. ID: 179679)

EAB's unanimous ruling in In re: Elementis Chromium Inc. for now resolves a case that is seen as a test of the reach of TSCA section 8(e), which generally requires domestic chemical manufacturers, distributors and importers to report information showing their chemicals or mixtures pose "substantial" health or environmental risks, unless industry has "actual knowledge" that the administrator has been "adequately informed" of such information.

Industry representatives have said that despite several guidance documents that EPA has published to clarify section 8(e) reporting requirements, confusion persists over what must be reported, particularly in cases when a study is corroborative of known risks and could be exempted from disclosure under the law.

An EPA administrative law judge (ALJ) in November 2013 ruled that Elementis violated section 8(e) of TSCA by failing to forward to EPA a 2002 study showing increased risk of lung cancer to workers exposed to hexavalent chromium (Cr6), widely used as an anti-corrosive agent in pigments, dyes, paints and plastics and in the production of stainless steel. As part of the proceeding, the ALJ upheld the $2.5 million penalty EPA imposed.

Elementis, the only domestic manufacturer of Cr6, urged EAB to overturn the penalty, arguing EPA's guidance on information that must be reported under the law is ambiguous and contending the company could not have known to report the 2002 health study which another federal agency found lacked new risk information.

In the case, Elementis also argued that EPA's penalty was time-barred because a five-year statute of limitations lapsed between when the company received the study in 2002 and when EPA brought its enforcement action in 2010 -- two years after Elementis eventually forwarded the study to EPA after a subpoena.

In the March 13 ruling, EAB's judges backed Elementis' arguments that the company was not required to submit the 2002 risk study showing Cr6 causes lung cancer because the study is merely corroborative of what the agency already knew.

"It has been well-established for decades that hexavalent chromium causes the effect of lung cancer," EAB Judges Leslye M. Fraser and Kathie A. Stein say in the decision. "Moreover, the epidemiology study Elementis received identified a lung cancer effect only at a substantially higher cumulative dose level than the cumulative dose level showing lung cancer in a pre-existing EPA epidemiology study on hexavalent chromium."

EPA had argued that while a correlation between Cr6 exposure and increased risk of lung cancer was already known, the industry-funded study should have been reported to it because it includes new exposure information and shows the risk to workers continues in modern facilities, despite industry efforts to mitigate the Cr6 risk.

While EAB found Elementis was not required to report the study and reversed the ALJ ruling on the penalty, the board backed EPA's arguments that some violations of section 8(e) obligation to report health and safety information can be continuing and therefore not subject to a statute of limitations for enforcement actions.

"This duty continues for as long as reportable information is required and not provided," the judges say. "The period of limitations for a section 8(e) violation runs anew each day the obligation to provide reportable information remains unfulfilled." -- Dave Reynolds

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News Headline: Our broken Congress's latest effort to fix our broken toxic-chemicals law |

Outlet Full Name: Washington Post - Online, The
News Text: ...among those companies that would face tougher oversight of their products' environmental safety if Congress were to reform the Toxic Substances...

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News Headline: ASBESTOS SEEN AS TSCA REFORM TEST FOR EPA'S POWER TO BAN CHEMICALS |

Outlet Full Name: Inside EPA Weekly Report
News Text: Newly unveiled Senate bills to overhaul the Toxic Substances Control Act (TSCA) are highlighting EPA's inability to ban asbestos under the current law, making the potential for an asbestos ban a key test for the extent to which reform legislation should give the agency new authority to prohibit harmful substances from the marketplace.

"The true test of TSCA reform ought to be whether EPA can quickly ban asbestos" with new authority in a TSCA reform bill through revisions to the law's section 6, which deals with regulation of hazardous chemical substances and mixtures, one environmentalist says. TSCA reform legislation introduced March 12 by Sens. Barbara Boxer (D-CA) and Ed Markey (D-MA) would explicitly authorize and require EPA to quickly ban asbestos.

Industry sources, however, say that a reform bill does not need a specific provision requiring EPA to expedite action on asbestos, and that a competing bipartisan bill introduced March 11 by Sens. David Vitter (R-LA), Tom Udall (D-NM) and others will address concerns about section 6 that frustrated an EPA ban on the substance.

The U.S. Court of Appeals for the 5th Circuit in 1991 struck down EPA's attempt to ban asbestos -- a known carcinogen -- under section 6, finding in Corrosion Proof Fittings v. EPA that the agency had not met its burden of proof to establish the chemical's risk could not be reduced by any other regulatory means.

Since that ruling, EPA has never proposed a complete prohibition on another chemical under section 6, though as TSCA reform debates in Congress have continued to drag on for years, the Obama EPA has stepped up its efforts to regulate chemicals under the current law. In 2012 EPA announced that the agency had prioritized some 83 substances, including asbestos and asbestos-like fibers, for risk assessment of consumer uses.

EPA's Wendy Cleland-Hamnett, director of EPA's Office of Pollution Prevention & Toxics, said during an event in March in Baltimore that the agency is "looking at using [TSCA] section 6" for the paint stripper methylene chloride. And EPA last November began exploring a section 6 ban for the solvent trichloroethylene, despite objections from the chemical sector which claims that EPA is overstating the health risks of the chemical.

Under current TSCA section 6 authority, EPA may move to ban or otherwise restrict a chemical in commerce if it finds "reasonable basis" to conclude that the substance presents an unreasonable risk of injury to human health or the environment, but the agency must use the "least burdensome requirement." In the 5th Circuit's ruling in Corrosion Proof Fittings, the "least burdensome" language proved problematic for EPA to satisfy, industry sources say.

The Boxer-Markey TSCA reform bill, S. 725, and the Vitter-Udall bill, S. 697, would strip that language from TSCA, but groups are split on which bill would boost EPA's section 6 authority.

S. 697 -- known as the Frank R. Lautenberg Chemical Safety for the 21st Century Act after the late Sen. Frank Lautenberg (D-NJ) who worked with Vitter on TSCA reform -- "addresses the concerns with Corrosion Proof Fittings sufficiently and the Boxer Markey bill is not needed for this reason," one industry source says.

The source cites the elimination of the "least burdensome" requirement and new language in S. 697 on the "unreasonable risk" safety standard, which strengthens the provision from an earlier draft of the bill to reflect that EPA must promulgate a rule establishing restrictions necessary to ensure a substance meets the standard.

"There's no wiggle room there," a source tracking the issue adds, pointing out that

allowing a chemical to remain in the marketplace after finding it has failed to meet the safety standard -- as happened with asbestos -- "is not an option under Udall-Vitter," which at press time had support from 8 Democratic and 9 GOP co-sponsors.

Moreover, the source says that the "biggest single thing the court pointed at" in Corrosion Proof Fittings was the "least burdensome" requirement, which the bipartisan reform bill would eliminate.

A second industry source notes that "if you make only that change, you go 85 percent down the road to fixing" the flaws in section 6 that have hindered EPA's ability to regulate asbestos.

According to a side by side comparison of the Vitter-Udall bill to current law authored by Environmental Defense Fund, which supports the bill, the bill would amend section 6 to make clear that cost considerations cannot override the requirement that restrictions be sufficient to allow chemicals to meet the safety standard.

Further, the analysis says, whereas current TSCA suggests EPA must conduct a formal evaluation to show that the benefits of a proposed section 6 action outweigh the potential costs, the bill would require balancing of costs and benefits only "to the extent practicable based on reasonably available information."

The bill language appears to reflect concerns raised by EPA toxics chief Jim Jones over S. 1009 -- an earlier, unsuccessful bipartisan TSCA bill introduced in 2013 by Lautenberg and Vitter -- that the cost benefit requirements would create similar issues for EPA to the "least burdensome" requirement.

But the environmentalist says that while the cost considerations may be modified in the new Vitter-Udall bill, the legislation still "explicitly requires" cost to be a factor in risk management decisions under section 6.

The source adds that the Boxer-Markey bill would explicitly require EPA to immediately list asbestos in all its forms as a high priority chemical under the new prioritization regime the bills would establish, to complete a safety assessment and determination within two years, and take final action on a rule within three years of passage.

"The industry bill does not mention asbestos and does not create an expedited process to review and presumably ban a substance that still causes the deaths of more than 10,000 Americans every year," Environmental Working Group says of a side-by-side comparison between the two bills.

But industry sources point out that asbestos is less widely used than in 1991, meaning it may not be as high a priority as some other substances that are more widely used in consumer goods and therefore have a higher level of exposure, under

a new TSCA regime.

"It's worth noting that asbestos is not used nearly as much now as in 1989 when EPA" considered a ban, a third industry source says, and the second source notes that, "If you order EPA to do something about asbestos, you take resources away from" other chemicals that may have a higher exposure level."

However, EPA's 2012 work plan chemical list includes asbestos, and the Vitter-Udall bill would require EPA to select at least five work plan chemicals in its initial 10 high-priority substances it is required to list for safety assessment within one year of enactment.

Meanwhile, Sen. Dick Durbin (D-IL), who had been a co-sponsor on the original S. 1009 Vitter-Lautenberg bill but has not yet signed onto either of the new reform bills, along with Markey, introduced S. 700, known as the "Reducing Exposure to Asbestos Database Act of 2015", which would establish a database for better tracking of consumer products that use asbestos. Relevant documents are available on InsideEPA.com. See page 2 for details. (Doc. ID: 179714)

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News Headline: Discover unexpected ways to drink more water |

Outlet Full Name: Newport Daily News - Online
News Text: ...up for an app? Set an hourly alarm on your phone as a reminder to refill. Drinking water shouldn't be a chore. With these easy-to-apply tips,...

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News Headline: California governor proposes $1 billion in drought spending |

Outlet Full Name: Associated Press Online
News Text: ...facing dire water shortages and unemployment. There is also money for emergency drinking water, food aid for the hardest-hit counties, fish and wildlife...

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News Headline: California drought: State OKs sweeping restrictions on water use |

Outlet Full Name: Greenwich Time - Online
News Text: ...supervisor. “It's also nice to know that you're doing something to help the environment, even if it's as simple as not washing sheets.” The new...

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News Headline: EPA PUTS ONUS ON CITIES TO INCLUDE INTEGRATED WATER PLANS IN CWA PERMITS |

Outlet Full Name: Inside EPA Weekly Report
News Text: An EPA water official is challenging cities to incorporate integrated wastewater and stormwater plans into their Clean Water Act (CWA) discharge permits, saying any perceived hesitancy from the agency to approve such plans in permits and consent decrees is based on the choices made by specific municipalities.

When EPA works with municipalities on the plans -- which aim to prioritize various CWA requirements based on environmental impacts and affordability -- "there's a conversation about, 'Here's my plan' and so there may be some conversation we have about why you made this choice or what about this?" EPA Water Permits Division Director Deborah Nagle told Inside EPA March 10. While some cities may interpret the agency's questioning of proposed plan as lack of interest in the approach, "it's really about trying to figure out what is the right thing to do," she said.

EPA continues to support the use of integrated plans, and regional offices "are 100 percent behind this," but agency approval of any specific plan is "not just a gimme," Nagle said.

"The thing is, it's all site specific. There may be conversations that might be, 'why did you make this decision'?" she added.

Nagle was responding to criticism from some municipalities and water utilities that the agency has not fully embraced the integrated planning concept in permitting and consent decree enforcement decisions, despite publicly encouraging the practice, which gives utilities flexibility in meeting infrastructure upgrade and water quality requirements. Integrated plans often include the use of green infrastructure to address combined sewer overflow (CSO) discharges as well as considerations about the financial capability for municipalities and ratepayers, often allowing communities to sequence costly improvement projects based on pollution reduction priorities.

EPA issued its first integrated planning framework in 2012. Although many integrated plans have been codified into enforcement consent decrees, there have yet to be integrated plans incorporated fully into National Pollutant Discharge Elimination System (NPDES) permits.

"Most people would rather have it through a permit. [Having it in] a consent decree is a reactive approach," Nagle told municipal leaders at a March 10 workshop at the National League of Cities Congressional City conference in Washington, D.C. She added that she was "challenging"cities at the conference to finish their integrated

plans to see which could first complete an integrated plan and be the first to incorporate it into a permit.

She also highlighted five communities which have received a combined total of $335,000 in technical assistance for integrated planning from EPA: Burlington, VT; Durham, NH; Onandoga County, NY; Santa Maria, CA; and Springfield, MO -- all of which focus on "ways to credit point versus nonpoint sources" of pollution.

Although municipal officials have made progress in working with EPA to get integrated plans codified into consent decrees, sometimes prior to creating new long-term control plans to reduce sewer overflows, many have said that some EPA officials have been reluctant to approve and embrace the concept in their localities.

EPA Region 3 officials in early March notified the city of Lancaster, PA, that it would seek to enter into a consent decree enforcement order to address its sewer overflows despite the city's work on an integrated plan and the agency's prior praise of its long-term planning, including green infrastructure efforts. The city had been considering ultimately putting its 25-year, voluntary long-term control plan to address CSO discharges into the Conestoga River into a formal integrated plan, but municipal leaders say that the pact EPA seeks will cost it up to $400 million to implement.

"What is the message when even the good guys get penalties?" a source close to the city previously told Inside EPA.

An EPA Region 3 spokesman said the agency supports Lancaster's efforts to use green infrastructure to control its CSOs; "however, more work needs to be done to effectively control sewer overflows."

And municipal officials at the U.S. Conference of Mayors' annual meeting in January spoke of reluctance from some EPA officials to move forward on integrated planning despite the agency and water industry touting a novel integrated plan in Lima, OH, calling that city's $150 million consent decree -- which requires the city to more than double its treatment capacity from 30 million gallons per day to 70 million gallons per day and reduce its CSO overflows to five or fewer over 20 years -- the nation's "first fully integrated plan."

At the meeting, Lima Mayor David Berger and Akron, OH Mayor Donald Plusquellic said EPA Region 5 was an impediment during integrated planning processes, and cautioned other mayors that EPA regional offices could continue to present hurdles." Plusquellic is currently asking a federal court to re-open Akron's CSO consent decree, arguing that EPA did not allow the city to integrate its requirements to allow for more green infrastructure alternatives to sewer improvements, even though it had allowed such developments in other cities' consent decrees. EPA enforcement chief Cynthia Giles told the city that the agency was open to modifying the existing consent decrees "when there are alternative proposals that

can achieve the same or better protection at lower cost, or where the cost of implementing the requirements of the consent decree has changed so significantly that a different schedule for completion is necessary." -- Amanda Palleschi

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News Headline: EPA RESISTS GOP LAWMAKERS' CALLS TO RE-PROPOSE CWA JURISDICTION RULE |

Outlet Full Name: Inside EPA Weekly Report
News Text: EPA is resisting calls from Republican House lawmakers to re-propose and seek an additional round of comments on its controversial and long-awaited Clean Water Act (CWA) jurisdiction rule, with the agency's de facto water chief Ken Kopocis saying it is important to finalize the rule soon to provide needed clarity on which waters are subject to permitting requirements.

During a March 18 hearing of the House Transportation & Infrastructure (T&I) water resources and environment subcommittee, GOP lawmakers told Kopocis a re-proposal of the rule and new comment period is needed in light of the more than one million comments the agency received since officially proposing the rule in the Federal Register last April.

And Rep. Michelle Lujan Grisham (D-NM), ranking member of the House agriculture panel's conservation subcommittee, raised the idea of a supplemental rule during a March 17 hearing on the CWA rulemaking to address "substantive concerns" over the pending rule. Jeff Witte, secretary of New Mexico's Department of Agriculture, testified in response that he "couldn't agree more" that EPA should make changes to the rule but reiterated that the rule should be withdrawn.

EPA Administrator Gina McCarthy told House appropriators in February that the agency is not planning revisions that rise to the level of requiring a new proposed rule and said the administration plans to finalize the rule this spring (Inside EPA, March 6).

But during the T&I hearing subcommittee Chairman Bob Gibbs (R-OH) continued to press Kopocis on the need for additional public comment.

"Why is EPA unwilling to make these revisions and come back and discuss before they make the final rule?" Gibbs asked. "Why don't they lay the cards out and say, 'Here are revisions?' [McCarthy] said, 'We're moving ahead and it's not necessary to do that.' Why? I don't understand."

"We believe it's time for us to go get the final rule out there in the public domain so that we can provide the greater clarity and consistency we think a final rule can provide," Kopocis told the panel.

"I think that's rushing it when there have been so many comments that you are leaving the door wide open to litigation unless you are able to make those fixes," Gibbs replied. "Why don't we put it out for 60 to 90 days, let us see it and have input?"

"We're pretty sure there will be litigation over the rule, but we think we'll have a strong rule supported by law, the Clean Water Act itself, and the Supreme Court," Kopocis said.

Del. Eleanor Holmes Norton (D-DC) asked Kopocis whether there would be any added value of re-proposing the rule and whether that would be "redundant" to what the agency has already done.

"What I would say is, I don't know what the value added would be other than the addition of time," he said. "We have done extensive conversations in person with over 400 meetings with the public."

Kopocis also reassured the lawmakers that the agency would reach out again to stakeholders during the transition period after its implementation, including providing guidance on grandfathering of existing determinations and if a party wants to have jurisdictional decisions reconsidered under the new rule.

The proposed rule, developed jointly by EPA and the Army Corps of Engineers, has long received pushback from Republicans, industry groups and some states who claim it attempts to expand the scope of the CWA beyond Congress' original intent; supporters of the rule say it will help clarify confusion over the law's reach.

Opponents have also recently raised concerns that EPA is planning changes in response to the comments without seeking comment on those changes, noting the Administrative Procedure Act requires agencies to issue new proposals before finalizing major changes to a previously proposed final rule.

During the hearing, Gibbs expressed specific concerns about the revised rule's language on ditches. "Ditches are really important for drainage, but in my area, they are naturally occurring in the Appalachian foothills. My concern is you open that up to [jurisdiction rule] and then it opens them up to go out and say, 'You've gotta go and get [section] 404 permits.' At some point, people are just going to throw their hands up and we can actually go backwards."

"We're not going to have the Clean Water Act apply to miles and miles of ditches on roadways," Kopocis said, echoing comments McCarthy made March 16 to the National Farmers' Union McCarthy told the farmers the agency is only interested in including ditches in the rule from "natural or constructed streams -- the ones that could carry pollution downstream."

Gibbs also pressed Kopocis on the Small Business Administration (SBA)'s comments that EPA should conduct a detailed review of potential small business impacts of the rule in order to comply with the Regulatory Flexibility Act.

Kopocis said the agency discussed the comments with the SBA and "did not agree as to whether to conduct a panel but we did reach out to the SBA community . . . to put together a panel before the rule went out [last year]."

Other Republicans on the panel, such as Rep. Garret Graves (R-LA) expressed concerns about the rule. "I've read the rule, and I feel very strongly it could be applied to all waters," Graves said, adding that he believes the rule will be thrown out by the Supreme Court.

Kopocis said there would unlikely be any change in terms of CWA jurisdiction in Graves' home state, Louisiana. -- Amanda Palleschi & Bridget DiCosmo

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News Headline: UN warns world could have 40 percent water shortfall by 2030 |

Outlet Full Name: Associated Press (AP)
News Text: NEW DELHI (AP) - The U.N. is warning that the world could suffer a 40 percent shortfall in water by 2030 unless countries dramatically change their use of the resource.

Many underground water reserves are already running low, while rainfall patterns are predicted to become more erratic with climate change. As the world's population grows to an expected 9 billion by 2050, more groundwater will likely be used in farming, industry and for personal consumption.

In a report issued in India on Friday, the U.N. says if current trends don't change, the world will have only 60 percent of the water it needs in 2030, and demand will rise 55 percent by 2050.

The shortfall could cause crops to fail, industries to collapse, ecosystems to break down, and trigger violent conflicts over water rights.

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News Headline: Environment chief: Less service at parks due to budget cuts |

Outlet Full Name: Associated Press (AP)
News Text: NEW HAVEN, Conn. (AP) - Connecticut's energy and environmental commissioner says budget cuts proposed by Gov. Dannel P. Malloy could lead to

reduced hiring, closing bathrooms at some state parks and restricting trash collection.

Rob Klee, commissioner of the Department of Energy and Environment Protection, told the New Haven Register (http://bit.ly/1EzWyzI) that visitors to state parks this summer will see a difference in service.

Malloy has ordered $2 million in cuts to the state parks system.

Klee says the agency's goal is that if amenities or hours are cut at one park another nearby park will have a full range of services.

Eric Hammerling, executive director of the Connecticut Forest and Park Association, said the environmental agency could use twice as many staffers to accommodate 8 million visitors a year, more than twice Connecticut's population.

Information from: New Haven Register, http://www.nhregister.com

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News Headline: Obama orders agencies to cut greenhouse gas output by 40% |

Outlet Full Name: Boston Globe
News Text: WASHINGTON — President Obama signed an executive order on Thursday to set new goals for reducing the greenhouse gas emissions of federal agencies, his latest use of executive authority to address climate change and press private companies and foreign governments to follow suit.

Obama's directive orders federal agencies over the next decade to cut their emissions by an average of 40 percent, compared with their levels when he was elected in 2008, and to increase their use of electricity from renewable sources by 30 percent.

The goals are in line with a commitment he announced in November as part of a climate agreement with China. In the deal, Obama said that by 2025, the United States would reduce its emissions of the heat-trapping gases by 26 percent to 28 percent below 2005 levels.

They are also part of Obama's effort during his last two years in office to use an expansive interpretation of his presidential authority to unilaterally address climate change in the face of the Republican-controlled Congress's opposition to advancing legislation that would do so.

"We're proving that it is possible to grow our economy robustly while at the same time doing the right thing for our environment and tackling climate change in a

serious way," Obama said during a visit to the Energy Department on Thursday to announce the order. "America once again is going to be leading by example."

The federal government's share of greenhouse gas emissions in the United States is minuscule — less than 1 percent in 2013, the last year for which data are available — so the order by itself is unlikely to make a major dent in the president's broader goals to cut emissions.

But because the federal government is the largest user of energy in the US economy — encompassing 360,000 buildings, 650,000 fleet vehicles, and $445 billion in annual spending on goods and services — it can influence private companies to step up their emissions-cutting targets.

In conjunction with the executive order, the Obama administration released a scorecard to allow federal suppliers to disclose their emissions and track their reductions.

Several large companies that do business with the federal government — including International Business Machines Corp., General Electric Co., Honeywell International Inc., and Northrop Grumman Corp. — announced new emissions-cutting goals of their own.

"As we get economies of scale, and demand for solar and wind and other renewable energies grows, obviously that can help drive down the overall price, make it that much for efficient, and we start getting a virtuous cycle that is good for the economy and creates jobs here in America," Obama said after touring the Energy Department's solar-paneled rooftop.

At a round table with representatives of some of the private corporations taking part, Obama praised the companies for stepping up with new or enhanced emissions-cutting targets.

"You guys have done an outstanding job," he said. "Because of the prominence of many of the companies here, and the fact that they've got a whole bunch of suppliers up and down the chain, what you do with respect to energy efficiency is going to have a ripple effect throughout the economy."

Obama's directive extends a goal he set during his first year in office, when he signed an executive order to cut federal greenhouse gas emissions by 28 percent by 2020.

Since then, said Christy Goldfuss, managing director at the White House Council on Environmental Quality, federal agencies have reduced their emissions by 17 percent, and boosted, to 9 percent from 3 percent, the share of electricity they consume from renewable sources.

White House officials, who are increasingly describing Obama's environmental

agenda in economic terms, estimated that the directive issued on Thursday could save up to $18 billion over the next decade by reducing wasted energy.

"For federal agencies who are looking at how to cover their energy needs, this is a very pragmatic dollars-and-cents issue," said Brian Deese, a senior adviser to Obama. "If they can consume less energy or they can consume renewable energy that is cheaper, more reliable, or more sustainable, then they can achieve their environmental goals while they are saving money."

Having failed during his first term to push a cap-and-trade bill through Congress, Obama has undertaken a systematic effort to regulate pollution through the existing Clean Air Act, advancing new rules on emissions from cars and trucks, power plants, oil and gas wells, and refrigerants.

The new regulations have been strongly opposed by the energy industry and from Republicans.

Mitch McConnell, the Senate majority leader, wrote to the nation's 50 governors on Thursday urging them to defy Obama's new rules on power plants by refusing to submit compliance plans to Washington.

McConnell, a Kentucky Republican, wants to stop new Environmental Protection Agency regulations requiring states to reduce carbon pollution from coal-fired power plants, the nation's largest source of greenhouse gases

The administration is also expected to release new rules for "fracking" — hydraulic fracturing to release gas or oil — on public lands as early as Friday.

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News Headline: River of song |

Outlet Full Name: Boston Globe
News Text: The Nile Project

At: Tsai Performance Center, March 27 at 8 p.m.

Tickets $28. 617-876-4275, www.worldmusic.org

Residency at Boston University, March 23-27

bu.edu/arts/nile-project/

The Nile River connects humanity's most exalted sites, one branch leading from East Africa's Great Lakes, one from the Abyssinian highlands, linking the terrain where

the first humans walked to the Egyptian cradle of modern civilization, cutting a fertile swathe through the desert as it flows to the sea.

Today, however, the countries of the Nile basin look inward, each with its own concerns: Ethiopia's push for investment, Sudan and South Sudan's civil wars, Egypt's revolution and reaction, Rwanda's rebirth after genocide.

Culture, too, tends to obey borders. The sound of the Addis jazz clubs is an Ethiopian sound. Conversation in Cairo caf□s engages Egypt alone. And when artists travel, it's not to neighboring countries, but to Europe and North America, with their more lucrative opportunities and their busy immigrant diasporas.

This makes the Nile Project, a collective of musicians from 11 Nile basin countries — from Egypt to Burundi — that visits Boston University all next week, more than a fusion project. It's an intervention, aimed not just at making music, but also at driving concrete work on shared issues like water rights, food security, education, social empowerment, and climate change.

A tall order for mere artists, maybe. But Egyptian ethnomusicologist Mina Girgis, who founded the project in 2011 with Ethiopian-American singer Meklit Hadero, sees a natural fit. "We're finding ways to use music to solve challenges beyond music," Girgis says. "Music can play a role in the sustainability of the basin."

The team has held three "Nile Gatherings" of musicians, in Egypt and Uganda, building a repertoire of original music. They've released an album, "Aswan," to critical raves. They've held workshops on music, water, and social issues at universities in Cairo, Nairobi, and Kampala. They've met with NGOs, foundations, and governments.

Now the Nile Project is touring the United States for the first time, with a band featuring 13 of the collective's 27 members. The four-month journey is organized around college residencies. At BU, they will hold campus and community events all week, culminating in a concert at the Tsai Center on Friday night.

"With residencies, we go beyond the artistic context of the work, and get students engaged in all aspects surrounding water conflict," Girgis says. "It takes a bit more than just a concert to do that." They've also held activities for high-school students, and met with members of East and North African immigrant communities in the cities they visit.

The Nile Project's music-making is an equally deliberate process. The traditions of the region share instruments — flutes, lyres, percussion — that are related but used in very different systems of scales, rhythms, and song. At the Nile Gatherings, musicians find themselves on turf at once familiar and foreign. "We are so close, as African neighbors, and yet there is not much sharing," says Ethiopian saxophonist Jorga Mesfin.

Using a modified version of Theory U, a group collaboration model devised by MIT professor Otto Scharmer, Girgis says the gatherings begin by putting musicians in small groups, then gradually merging their ideas through composition and arrangement. Most of the artists are bandleaders themselves; here, they must check their egos.

"We start by learning new things about each other's culture: dance, rhythm, or children's games," says Mesfin. "And everyone has a musical response." Before long, he says, one Egyptian colleague was playing Ethiopian scales like a local. "You would think that he was Ethiopian himself," Mesfin says. "It's a good way to start a relationship."

In a measure of the project's success, all this methodology seems to vanish into seamless performance. "The sound is exhilarating," says BU professor Mari□ Abe, who planned the week's events. "It's so organic that listeners might not know what goes into the collaboration." (She urges those curious to attend the group's lecture-demonstration, "Musics of the Nile," on Tuesday; a full schedule is at www.bu.edu/arts/nile-project.)

While Hadero, the other cofounder, has pursued her own singer-songwriter career alongside the Nile Project, Girgis is running the venture as a full-time job. The logistics of gathering a dozen or more busy musicians from many countries for a creative retreat, let alone a four-month American tour, are daunting. "The lawyer who works on our visas told me he could not think of a more complex project," he says.

But Girgis finds fulfilment in how the project allows him to use the vantage point of diaspora (raised in Egypt, he moved to California) to mobilize artists and contribute back home. "It took going far away to zoom out and see the connections," he says. "But the project took off because we were connected locally."

As they cross the country, the project team is also meeting university faculty and recruiting students to take part in their projects. The Nile Project has ambitious initiatives to support university students and young entrepreneurs and innovators in the countries it covers — as well as to build opportunities for local musicians.

Sudanese singer Alsarah, a veteran of all three Nile Gatherings and one of the few musicians on the team to be based in the diaspora (she lives in Brooklyn), says the project is a rare mix of musicians who are socially like-minded.

"We're connecting according to a more natural system than a political system," she says. "We're flowing together pretty well."

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News Headline: Calif. seeks $1b in drought-relief aid |

Outlet Full Name: Boston Globe
News Text: SACRAMENTO — Governor Jerry Brown and legislative leaders on Thursday proposed legislation to accelerate more than $1 billion in drought-relief spending for California as it copes with a fourth dry year and Brown urges residents to reduce water use.

The package of two bills includes $128 million to ease immediate impacts of the drought such as dry wells, job losses at farms, and wildfires. It also accelerates nearly $1 billion in bond funding for water projects, including money from a $7.5 billion bond measure approved by voters last year.

"We need to get the money out the door now for shovel-ready projects and existing water programs that only need funding to get started," Senate President Pro Tem Kevin de Leon said. "No delay. No red tape."

Nearly two-thirds of the funds in the package would go toward flood control projects approved by voters in 2006.

Brown said floods are a concern even during dry years because of climate change. "You're all focused on drought, but you can get massive storms that flood through these channels that overflow and cause havoc," he said.

More immediate funding includes $20 million for additional emergency drinking water for communities with dry wells; $24 million for food banks in drought-stricken counties; and $13 million to help fish and animals threatened by vanishing streams and rivers.

The water in the Sierra Nevada snowpack — California's largest water source — is far below normal this year.

Associated Press

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News Headline: Raising the doubt of climate change |

Outlet Full Name: Boston Globe
News Text: MMarc Morano in "Merchants of Doubt."

Movie review

★★★

MERCHANTS OF DOUBT

Written and directed by: Robert Kenner, inspired by the book "Merchants of Doubt" by Naomi Oreskes and Erik M. Conway

Starring: Marc Morano,

Jamy Ian Swiss

At: Kendall Square, West Newton

Running time: 93 minutes

Rated: PG-13 (brief strong language)

Illusionist and self-proclaimed fraud Jamy Ian Swiss is having a busy week on the big screen. In addition to appearing in "An Honest Liar," a profile of the famed magician and crusader against con artists James "The Amazing" Randi, Swiss opens Robert Kenner's slick and depressing documentary "Merchants of Doubt" with some fancy card tricks and a diatribe against those who deceive not to entertain but "to manipulate people .□.□. and their sense of reality."

He's talking about those pulling off the biggest scam of the past 40 years — the debate over climate change. Not the scientists whose research confirms the phenomenon's existence, but the PR hacks hired by the corporations for whom it is convenient to deny the truth or at least raise doubts about it.

To make his point clear, Kenner follows up Swiss's magic act and fancy patter with a snappy montage of various experts over the years denying that cigarettes cause cancer, or extolling the virtues of pesticide, or proclaiming that asbestos is "designed to last a lifetime — a trouble free lifetime." And then the inevitable parade of climate change deniers bloviating in Congress or on cable news, all backed by Sinatra singing "That Old Black Magic."

Subtle, it's not. But it is effective. The days when Al Gore could mobilize a nation with wonky charm and a Power□Point presentation are over. As Marc Morano says, "keep it short, keep it simple, keep it funny."

And who is Marc Morano? He's the lovable scamp who founded ClimateDepot.com and who often appears on TV debunking scientists trying to explain the subtleties of the unfolding environmental disaster. Morano's debate tactics include sarcasm and ad hominem attacks. Sometimes he sends obscene and threatening e-mails. Kenner in the press notes acknowledges a begrudging admiration for Morano, whose gleefully

unabashed amorality is at least refreshing. And he admits that the Morano approach of targeting the opponent and not his or her argument, of making the debate a matter of ideology and not facts, of reducing the issue to easily parroted slogans and canards, has served well the purposes of those profiting from the coming catastrophe.

So Kenner employs similar tactics (presumably not the e-mails) in his film, which can be accused of being partisan and simplistic but never dull. He also emulates the style of Errol Morris, especially with his use of whimsical effects and graphics and a (mostly) off-screen interrogator whose affable demeanor invites trust until he unloads the crushing question or comment.

Meanwhile, those who want to keep the American public in doubt about irrefutable facts follow the playbook that worked so well for the tobacco industry. As Swiss explains, these are the same methods as those used by legit magicians and three card monte hucksters alike: tricks such as misdirection (e.g., it's not about science, it's about big government telling us what to do, it's about creeping socialism, etc.) and the use of shills (i.e., supposedly objective spokesmen making the con seem legit).

Maybe Kenner's hipper, glibber approach can counteract this strategy. As one investigator says, the truth always will out. Even Big Tobacco lost in the end. The problem is that it took 50 years. By that time there may no longer be doubts about the truth of climate change, but there won't be any solutions, either.

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News Headline: Report: Children's health care at risk |

Outlet Full Name: Keene Sentinel - Online, The
News Text: ...children could lose their health care coverage if Congress does not renew the Children's Health Insurance Program, the Supreme Court strikes down...

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